

ATTACHMENT A



**Planning Commission
Final Draft
Shoreline Master Program**
(PC Final Draft SMP)

July 15, 2009

Ecology Grant G0600343

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ARTICLE 1 – INTRODUCTION

1. Purpose and Intent

A. The purposes of this Shoreline Master Program are to:

1. Guide the future use and development of Jefferson County’s shorelines in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (Revised Code of Washington (RCW) 90.58) as amended; and
2. Promote the health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for use and development of Jefferson County shorelines; and
3. Ensure, at minimum, no net loss of shoreline ecological functions and processes; and
4. Plan for restoring shorelines that have been impaired or degraded in the past; and
5. Adhere to the policies contained in RCW 90.58.020 for shorelines of the state:

"It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

1 *Permitted uses in the shorelines of the State shall be designed and conducted in*
2 *a manner to minimize, insofar as practical, any resultant damage to the ecology*
3 *and environment of the shoreline area and any interference with the public's use*
4 *of the water."*

5 **2. Applicability**

6 A. All proposed uses and development, as defined in Article 2, occurring within
7 shoreline jurisdiction shall comply with this Program and RCW 90.58. This Program
8 applies to all uses and developments within shoreline jurisdiction whether or not a
9 shoreline permit or statement of permit exemption is required.

10 B. The Program's shoreline uses and developments shall be classified as follows:

11 1. Permitted uses and developments – Uses and developments that are consistent
12 with this Program and RCW 90.58. Such uses/developments shall require a
13 shoreline substantial development permit, a shoreline conditional use permit, a
14 shoreline variance, and/or a statement that the use/development is exempt from a
15 shoreline substantial development permit.

16 2. Prohibited uses and developments – Uses and developments that are inconsistent
17 with this Program and/or RCW 90.58 and which cannot be allowed through any
18 permit or variance.

19 C. Classification of a use or development as permitted does not necessarily mean the
20 use/development is allowed. It means the use/development may be permitted subject
21 to review and approval by the County and/or the Department of Ecology. Many
22 permitted uses/developments, including those that do not require a substantial
23 development permit, can individually or cumulatively affect adjacent properties
24 and/or natural resources and therefore must comply with the Program in order to
25 avoid or minimize such adverse impacts. The County may attach conditions of
26 approval to any permitted use via a permit or statement of exemption as necessary to
27 assure consistency of the project with the Shoreline Management Act and the
28 Program.

29 D. This Program shall apply to:

30 1. All of the lands and waters of Jefferson County that fall under the jurisdiction of
31 RCW 90.58; and

32 2. Every person, individual, firm, partnership, association, organization, local or
33 state governmental agency, public or municipal corporation, or other non-federal
34 entity; and

- 1 3. All non-federal uses and developments undertaken on federal lands and on lands
2 subject to non-federal ownership, lease, or easement, even though such lands may
3 fall within the external boundaries of federally owned lands¹.

4 E. Federal agencies are subject to this Program and RCW 90.58, as provided by the
5 Coastal Zone Management Act (Title 16 United States Code §1451 et seq.; and
6 Washington Administrative Code (WAC) 173-27-060(1)).

7 F. The provisions of this Program shall not apply to lands held in trust by the United
8 States for Indian Nations, tribes or individuals.

9 **3. Governing Principles of this Master Program**

10 A. The goals, policies and regulations of this Program are based on the governing
11 principles in WAC 173-26-186 and the policy statements of RCW 90.58.020.

12 B. Any inconsistencies between this Program and RCW 90.58 must be resolved in
13 accordance with the RCW.

14 C. The planning policies of this Program may be achieved by diverse means, one of
15 which is regulation. The County may also acquire land, implement capital projects
16 and programs, encourage voluntary measures, create incentive programs, or use other
17 means to implement the Program planning policies.

18 D. When regulating use and development of private property, the County's actions must
19 be consistent with all relevant legal limitations including constitutional limitations.
20 This Program must not unconstitutionally infringe on private property rights or result
21 in an unconstitutional taking of private property.

22 E. The regulatory provisions of this Program are limited to shorelines of the state,
23 whereas the planning functions of this Program may extend beyond shoreline
24 jurisdiction.

25 F. The policies and regulations of this Program must be integrated and coordinated with
26 the policies and rules of the Jefferson County Comprehensive Plan (Comprehensive
27 Plan) and its implementing development regulations adopted under the Growth
28 Management Act (RCW 36.70A).

29 G. The policies and regulations of this Program are intended to protect shoreline
30 ecological functions by:

- 31 1. Requiring that current and potential ecological functions be identified and
32 understood when evaluating new uses and developments;

¹ Wording from WAC 173-27-060(3)

2. Requiring adverse impacts to be mitigated in a manner that ensures no net loss of shoreline ecological functions. Mitigation, as defined in Article 2, shall include avoiding first, then minimizing, and then replacing/compensating for lost functions and/or resources.
3. Ensuring that all uses and developments, including preferred uses and uses that are exempt from a shoreline substantial development permit, will not cause a net loss of shoreline ecological functions.
4. Preventing, to the greatest extent practicable, cumulative impacts from individual developments.
5. Fairly allocating the burden of preventing cumulative impacts among development opportunities.
6. Including regulations and regulatory incentives to restore shoreline ecological functions where such functions have been degraded by past actions.

4. Title

- A. This document shall be known as the Jefferson County Shoreline Master Program ("the Master Program" or "the Program").

5. Adoption Authority

- A. This Master Program is adopted under the authority granted by RCW 90.58 and WAC 173-26.

6. Critical Areas Regulations Adopted by Reference

- A. The Jefferson County Critical Areas Regulations contained in the Jefferson County Code (JCC) Chapter 18.22 are integral and applicable to this Program, and are hereby adopted by reference, except that:
 1. Nonconforming use and development within shoreline jurisdiction shall be subject to this Program and not JCC Chapter 18.22.080.
 2. Uses and developments within shoreline jurisdiction that meet the Reasonable Economic Use Variance provisions of JCC Chapter 18.22.090 shall require a shoreline variance in accordance with this Program.
 3. Exceptions to Critical Area and Buffer Standards shall be allowed as described in Article 6 (6.1.E) of this Program.
- B. Activities that are exempt from critical areas regulation per JCC Chapter 18.22.070 shall comply with this Program. Such activities may require a shoreline substantial development permit, shoreline variance, or shoreline conditional use permit unless this Program and RCW 90.58.030(3)(e) specifically indicate the activity is exempt from shoreline substantial development permit requirements. This provision shall not

1 apply to agricultural activities on agricultural lands, which are exempt from both JCC
2 Chapter 18.22.070 and this Program.

3 C. The provisions of JCC Chapter 18.22 shall apply to any use, alteration or
4 development within shoreline jurisdiction whether or not a shoreline permit or written
5 statement of exemption is required.

6 D. Within shoreline jurisdiction, the regulations of JCC Chapter 18.22 shall be liberally
7 construed together with the Program to give full effect to the objectives and purposes
8 of the provisions of the Program and RCW 90.58.

9 E. All references to the Critical Areas Ordinance are for the version adopted on March
10 17, 2008 as Ordinance Number 03-0317-08.

11 **7. Relationship to Other Plans and Regulations**

12 A. Uses and developments regulated by this Program may also be subject to other
13 provisions of the JCC, the Jefferson County Comprehensive Plan, the Washington
14 State Environmental Policy Act (RCW 43.21C and WAC 197-11), and other local,
15 state and federal laws.

16 B. Project proponents are responsible for complying with all applicable laws prior to
17 commencing any use, development or activity.

18 C. Where this Program makes reference to any RCW, WAC, or other state or federal law
19 or regulation the most recent amendment or current edition shall apply.

20 D. In the event this Program conflicts with other applicable County policies or
21 regulations, all regulations shall apply and unless otherwise stated, the more
22 restrictive provisions shall prevail.

23 **8. Liberal Construction**

24 A. This Program is exempt from the rule of strict construction; therefore this Program
25 shall be liberally construed to give full effect to its goals, policies and regulations.
26 Liberal construction means that the interpretation of this document shall not only be
27 based on the actual words and phrases used in it, but also by taking its deemed or
28 stated purpose into account.

29 **9. Severability**

30 A. If any section or provision of this Program is declared invalid it shall not affect the
31 validity of this Program as a whole.

ARTICLE 2 – DEFINITIONS

Note to reviewers: These proposed SMP definitions are derived from multiple sources. Definitions denoted with (*) are from the existing JCC, Title 18. Definitions denoted with (**) are from WAC 173-26. Definitions denoted with (***) are from RCW 90.58. Definitions denoted with (****) are from the existing County SMP (JCC Chapter 18.25) and/or the proposed but not adopted 2000 Draft SMP. Definitions with no asterisk are derived from other sources or represent the best professional judgment of the authors. Authors' notes are highlighted in yellow.

A. A

1. *Abandon means to terminate the use of a structure by an affirmative act such as changing to a new use; or to cease, terminate, or vacate a use or structure through nonaction. Except for ongoing agricultural activities, there shall be a presumption that a use has been abandoned if it is not undertaken, utilized, implemented or performed for a period of two years from the date of cessation/termination or vacation.
2. *Abutting means adjoining with a common boundary line or any portion thereof.
3. *Accessory dwelling unit means an additional dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main structure, for use as a complete, independent living facility with provisions within the accessory dwelling unit for cooking, eating, sanitation and sleeping. Such a dwelling shall be considered an accessory use to the main dwelling and be clearly subordinate to the main dwelling.
4. Accessory structure means any detached structure that is incidental and subordinate to a primary use and located on the same lot as the primary use. Garages, boathouses, barns, storage sheds, gazebos, docks, piers, floats, buoys, and other appurtenances are examples of structures that are typically accessory to a different primary use.
5. *Accessory use means use of land or of a building or portion thereof incidental and subordinate to the principal use and located on the same lot with the principal use. Private moorage and other recreational uses are examples of uses that are accessory to residential development.
6. ****Accretion means the slow addition of land by the deposition of water-borne sediment through the net effect of wave action and longshore drift.
7. **Act means the Shoreline Management Act of 1971 (RCW 90.58) as amended.
8. *Adequate means acceptable but not excessive.
9. *Adjacent means (in addition to abutting) that which is near or close; for example, an industrial district across the road or highway from a commercial district shall be considered as adjacent.

- 1 10. *Adjacent lands, shoreline means lands adjacent to the shorelines of the state
2 (outside of shoreline jurisdiction). See RCW 90.58.340.
- 3 11. *Administrator means the Jefferson County Department of Community
4 Development director or a designated representative.
- 5 12. *Adverse impact means a condition that creates, imposes, aggravates, or leads to
6 inadequate, impractical, unsafe, or unhealthy conditions or reduces ecological
7 functions or values.
- 8 13. ****Advertising means publicly displayed messages or signs, billboards,
9 placards, or buildings that direct attention to promotion of a business, service, or
10 product.
- 11 14. *Aggrieved party means a party of record who can demonstrate the following:
12 a. The land use decision will prejudice the person;
13 b. The asserted interests are among those the County is required by County
14 code, federal or state law or regulation to consider in making a land use
15 decision; and
16 c. A decision on appeal in favor of the person would substantially eliminate
17 or redress the prejudice alleged to be caused by the land use decision.
- 18 15. **Agricultural activities means agricultural uses and practices including, but not
19 limited to: Producing, breeding, or increasing agricultural products; rotating and
20 changing agricultural crops; allowing land used for agricultural activities to lie
21 fallow in which it is plowed and tilled but left unseeded; allowing land used for
22 agricultural activities to lie dormant as a result of adverse agricultural market
23 conditions; allowing land used for agricultural activities to lie dormant because
24 the land is enrolled in a local, state, or federal conservation program, or the land is
25 subject to a conservation easement; conducting agricultural operations;
26 maintaining, repairing, and replacing agricultural equipment; maintaining,
27 repairing, and replacing agricultural facilities, provided that the replacement
28 facility is no closer to the shoreline than the original facility; and maintaining
29 agricultural lands under production or cultivation.
- 30 16. **Agricultural land means those specific land areas on which agriculture
31 activities are conducted as of the date of adoption of this Master Program
32 pursuant to the state guidelines (WAC 173-26) as evidenced by aerial
33 photography or other documentation. After the effective date of the Master
34 Program, land converted to agricultural use is subject to compliance with the
35 requirements of the Master Program.
- 36 17. *Agriculture, existing and ongoing means any agricultural activity conducted on
37 an ongoing basis on lands enrolled in the open space tax program for agriculture
38 or designated as agricultural lands of long-term commercial significance on the
39 official map of Comprehensive Plan land use designations; provided, that
40 agricultural activities were conducted on those lands at any time during the five-

- 1 year period preceding April 28, 2003. Agricultural use ceases when the area on
2 which it is conducted is converted to a nonagricultural use.
- 3 18. *Agriculture, new means agricultural activities proposed or conducted after April
4 28, 2003, and that do not meet the definition of existing ongoing agriculture.
- 5 19. *Allowed use means uses allowed subject to the provisions of this Program,
6 including meeting applicable performance and development standards; if a
7 building permit or other development permit (e.g., stormwater permit) is required,
8 the use is subject to the project review and approval process.
- 9 20. Alteration means any human induced change in an existing condition of a
10 shoreline and/or its buffer. Alterations include, but are not limited to grading;
11 filling; channelizing; dredging; clearing (vegetation); draining; constructing
12 structures; compaction, excavation, or any other activity that changes the
13 character of a site.
- 14 21. *Alteration, nonconforming structures means any change or rearrangement in the
15 supporting members of existing buildings, such as bearing walls, columns, beams,
16 girders, or interior partitions, as well as any changes in doors, windows, means of
17 egress or ingress or any enlargement to or diminution of a building or structure,
18 horizontally or vertically, or the moving of a building from one location to
19 another. This definition excludes normal repair and maintenance, such as painting
20 or roof replacement, but includes more substantial changes.
- 21 22. *Alteration, nonconforming use means the expansion, modification or
22 intensification of a use that does not conform to the land use regulations of this
23 Program.
- 24 23. Anadromous fish means fish species that spend most of their lifecycle in
25 saltwater, but return to freshwater to reproduce.
- 26 24. *Appeal means a request by an applicant or citizen that a decision made pursuant
27 to this Program be reviewed for its correctness and legality by another person,
28 agency or court of law having jurisdiction to hear such an appeal.
- 29 25. *Applicant means the owner or owners of record of the property subject to a
30 project permit application under this Program, or authorized representative
31 thereof.
- 32 26. *Application means the forms, plans and accompanying documents required for
33 any project permit approval under this code.
- 34 27. Appurtenance, normal means a structure or use that is necessarily connected to
35 the use and enjoyment of a single-family residence and is located landward of the
36 ordinary high water mark. Normal appurtenances include, but are not limited to,
37 walkways, utilities, fences, septic tanks and drainfields, and grading which does
38 not exceed two hundred fifty (250) cubic yards and which does not involve
39 placement of fill in any wetland or waterward of the ordinary high water mark.

- 1 28. Aquaculture means the farming or culture of food fish, shellfish, or other aquatic
2 plants or animals in freshwater or saltwater areas, and may include development
3 such as structures or rafts, as well as use of natural spawning and rearing areas.
4 Aquaculture does not include the harvest of wildstock geoducks on state-owned
5 lands. Wildstock geoduck harvest is a fishery.
- 6 29. *Aquaculture activity means actions directly pertaining to growing, handling, or
7 harvesting of aquaculture produce including but not limited to propagation,
8 stocking, feeding, disease treatment, waste disposal, water use, development of
9 habitat and structures. Excluded from this definition are related upland
10 commercial or industrial uses such as wholesale and retail sales, sorting, staging,
11 hatcheries, tank farms, and final processing and freezing.
- 12 30. *Aquaculture facility or farm means any facility or tract of land used to culture
13 aquatic products. Each geographically separate facility or tract of land used for
14 aquaculture shall constitute a separate facility/farm, provided that adjoining
15 farms/facilities with separate operators shall be considered separate
16 facilities/farms.
- 17 31. *Archaeological means having to do with the scientific study of material remains
18 of past human life and activities.
- 19 32. Archaeological resource/site means a geographic locality including, but not
20 limited to, submerged and submersible lands and the bed of the sea that contains
21 physical evidence of an indigenous and subsequent culture including material
22 remains of past human life, monuments, symbols, tools, facilities, graves, skeletal
23 remains and technological byproducts:
- 24 a. That are associated with events that have made a significant contribution to
25 the broad patterns of our history; or
26 b. That are associated with the lives of significant persons in our past; or
27 c. That embody the distinctive characteristics of a type, period or method of
28 construction, or that represent the work of a master, or that possess high
29 artistic values, or that represent a significant and distinguishable entity
30 whose components may lack individual distinction; or
31 d. That have yielded or may be likely to yield, information important in
32 history or prehistory.
- 33
- 34 33. Archaeologist is a person listed on the Washington State Dept. of Archaeology
35 and Historical Preservation list of qualified archaeologists.
- 36 34. Associated wetlands means wetlands that are in proximity to tidal waters, lakes,
37 rivers or streams that are subject to the Shoreline Management Act and either
38 influence or are influenced by such waters. Factors used to determine proximity
39 and influence include but are not limited to: location contiguous to a shoreline
40 waterbody, formation by tidally influenced geo-hydraulic processes, presence of a
41 surface connection including through a culvert or tide gate, location in part or

whole within the 100-year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

35. *Average grade level means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure. In the case of structures to be built over the water, the average grade level shall be the elevation of the ordinary high water.

B. B

1. *Backshore means the area landward of the high tide line wetted by storm tides but normally dry. It may be a narrow gravel berm below a sea bluff or a broader complex of berms, marshes, meadows, or dunes.
2. *Barrier beach means an accretion shore form of sand and gravel that has been deposited by longshore drift in front of bluffs, bays, marshes, or estuaries, and functions like a storm barrier.
3. *Bar means a marine or river shore form similar to a spit or a hook, though generally not attached to the mainland during periods of high water.
4. *Beach means the zone of unconsolidated material that is moved by waves, wind and tidal currents.
5. *Beach restoration and enhancement means the alteration of terrestrial and tidal shorelines or submerged shorelines for the purposes of stabilization, recreational enhancement, or aquatic habitat creation or restoration. The materials used depend upon the intended use. For instance, to create a beach for recreational purposes, various grades of clean sand or pea gravel are often used. To restore or recreate a shore feature or an underwater aquatic environment (e.g., a reef) a combination of a rock matrix and sand or other materials may be used. To restore riparian habitat functions, native vegetation may be used.
6. *Base flood means the flood having a one percent chance of being equaled or exceeded in any given year; also known as the 100-year flood, as shown on the FIRM maps.
7. *Base flood elevation means the elevation for which there is a one percent chance in any given year that flood levels will equal or exceed it.
8. Beach access structure means a structural pathway/walkway for purposes of providing pedestrian access to a beach or shoreline area, not for motorized vehicle access. It often includes a stairway, tram, stair tower, platform and/or elevated walkway anchored to the ground surface by structural means.
9. Bedlands means those lands lying waterward of and below the line of navigability on rivers and lakes not subject to tidal flow, or extreme low tide mark in

navigable tidal waters, or the outer harbor line where harbor area has been created (RCW 79.105.060(2)).

10. Bedrock means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.
11. Berm or protective berm means one or several accreted linear mounds of sand and gravel generally paralleling the shore at or landward of OHWM; berms are normally stable because of material size or vegetation, and are naturally formed by net-shore drift. Also, a linear mound used to screen an adjacent activity (e.g., a parking lot) from transmitting excess noise and glare.
12. *Best management practices (BMPs) means systems of practices, schedules of activities, prohibitions, maintenance procedures, and management measures that prevent or minimize adverse impacts to the environment.
13. ****Bioengineering or Biostabilization means the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material, soft gabions, fabric or other soil stabilization techniques, and limited rock toe protection where appropriate. Bioengineering projects often include habitat enhancement measures (e.g., anchored logs, root wads, etc.). Such techniques may be applied to creeks, rivers, lakes, reservoirs, and marine waters. Bioengineering may also be applied in upland areas away from the immediate shoreline.
14. *Board (BOCC) means the board of County commissioners for Jefferson County. Also referenced as board of commissioners or County commissioners.
15. *Boat building and repair, commercial means a commercial establishment where boats are constructed, dismantled, stored, serviced, or repaired, including maintenance work thereon.
16. Boating facilities means any public or private facility for storing or launching vessels or watercraft. This includes marinas, open water moorage and anchorage areas, boat launch ramps, boat lifts, mooring buoys, piers, floats and docks or any other similar single-user or shared-use facility for public recreational use or private residential use. For purposes of this Program, boathouses, boat repair shops, and other upland boat storage structures are not considered boating facilities.
17. Boathouse means an enclosed structure designed and used exclusively for the storage of boats and boating equipment and not used as a dwelling unit.
18. ****Boat launch or boat ramp means a slab, pad, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.
19. Boat lift is an in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water periodically. A boat lift as herein defined is used to berth and launch a single vessel, suspended over the

1 water's surface. A boat lift is generally a manufactured unit without a canopy
2 cover and may be placed in the water adjacent to a dock/pier or as a stand-alone
3 structure. A boat lift may be designed either for boats or personal watercraft. A
4 boat lift is to be differentiated from a hoist or crane used for the launching or
5 haul-out of vessels.

6 20. Bottom culture means all aquaculture systems that are set on or securely and
7 rigidly attached to the tidelands or bedlands and do not extend higher than six feet
8 from the bottom (excluding hoists and similar apparatus). Bottom culture
9 includes but is not limited to geoduck tubes, oyster longlines, clam netting, oyster
10 rack and bags, and clam bags. Bottom culture does not include aquaculture
11 suspended from rafts or buoys or contained in floating net pens.

12 21. ****Breakwater means an offshore structure that is generally built parallel to
13 shore that may or may not be connected to land, and may be floating or stationary.
14 Their primary purpose is to protect harbors, moorages and navigation activity
15 from wave and wind action by creating stillwater areas along shore. A secondary
16 purpose is to protect shorelines from wave caused erosion. Most breakwaters in
17 the Pacific Coast are rip-rap mound construction

18 22. Buffer or buffer zone, strip, or area means the area adjacent to a shoreline that
19 separates and protects the area from adverse impacts associated with adjacent land
20 uses and is measured horizontally and perpendicularly from the ordinary high
21 water mark.

22 23. Building means any structure used or intended for supporting or sheltering any
23 use or occupancy as defined in the International Building Code.

24 24. *Building envelope means:

- 25 a. A three-dimensional space in which a building or structure may be built
26 meeting septic requirements;
- 27 b. A plat restriction for the purpose of defining building coverage areas for
28 individual lots, or for describing shoreline building setbacks;
- 29 c. The buildable area of a lot, tract or parcel after applicable setbacks, buffers,
30 easements and other restrictions on the lot, tract or parcel are taken into
31 account.

32
33 25. ****Bulkhead means a wall usually constructed parallel to the shore with the
34 primary purpose of containing and preventing the loss of soil caused by erosion or
35 wave action. Bulkheads are usually constructed of rock, poured-in-place
36 concrete, steel or aluminum sheet piling, wood or wood and structural steel
37 combinations. They may be either thin structures penetrating deep into the
38 ground, or more massive structures resting on the surface.

C. C

1. *Campground and camping facilities means a facility in which sites are offered for persons using tents or other personal, portable overnight shelters. Campgrounds are for short-term stays and do not include trailer parks.
2. **Canopy:** collective branches and foliage of a tree or group of trees' crowns. Aggregate or collective tree crowns. A canopy can be closed or partially closed as in a forest or woodland stand, or composed of both individual trees and closed canopy groups as in an urban forest canopy.
3. **Canopy cover:** For an individual tree is the drip line area. For a buffer area comprising multiple trees it is the sum of the drip line areas of each tree less any overlap.
4. ****Channel means an open water either naturally or artificially created to convey water.
5. **Channel migration zone means the area along a river or stream within which the channel can reasonably be expected to migrate over time as a result of normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.
6. Channelization means the straightening, relocation, deepening or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.
7. Clearing means the destruction or removal, by hand or with mechanical means, of vegetative ground cover, shrubs or trees. Clearing may or may not include removing root material or topsoil.
8. Cluster development means a development design technique that groups or clusters buildings in specific areas on a site to minimize environmental impacts related to impervious surface, clearing and other impacts.
9. Commercial fish means those species of fish that are classified under the Washington Department of Fish and Wildlife Food Fish Classification as commercial fish (WAC 220-12-010).
10. *Commercial recreational facility means a place designed and equipped for sports and leisure-time activities that is operated as a business and open to the public for a fee.
11. *Commercial sign means any object, device, display or structure that is used for attracting attention to any commercial use, product, service, or activity.
12. *Commercial use means a business use or activity at a scale greater than a home business or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

- 1 13. Community dock means a dock that serves multiple residential properties
2 including upland and waterfront lots in a subdivision or similar community
3 setting.
- 4 14. *Compatible means uses or activities capable of existing together or in the
5 vicinity of one another without disharmony or without generating effects or
6 impacts which are disruptive to the normal use and enjoyment of surrounding
7 property.
- 8 15. Compensatory mitigation means replacing resources or functions, at an equivalent
9 or greater level, to offset unavoidable impacts that remain after all appropriate and
10 practicable avoidance and minimization measures have been implemented.
11 Compensatory mitigation includes, but is not limited to, creation, restoration,
12 enhancement, preservation, and rehabilitation of wetlands, buffers, and other
13 habitats or resources.
- 14 16. *Comprehensive Plan means the Jefferson County Comprehensive Plan.
- 15 17. Conservation means the prudent management of rivers, streams, wetlands,
16 wildlife and other environmental resources in order to preserve and protect them.
17 This includes the careful use of natural resources to prevent depletion or harm to
18 the environment.
- 19 18. *Conservation district means a special purpose district, like a fire district or
20 school district, organized in accordance with Chapter 89.08 RCW for the purpose
21 of providing assistance to landowners for the conservation of renewable
22 resources.
- 23 19. Conservation easement means a legal agreement that the property owner enters
24 into to restrict uses of the land for purposes of natural resources conservation. The
25 easement is recorded on a property deed, runs with the land, and is legally binding
26 on all present and future owners of the property.
- 27 20. Contaminant means any chemical, physical, biological, or radioactive substance
28 that does not occur naturally in ground water, air, or soil or that occurs at
29 concentrations greater than those in the natural levels (Chapter 172-200 WAC).
- 30 21. *County means Jefferson County, Washington, its board, commissions, and
31 departments.
- 32 22. ****Covered moorage means boat moorage, with or without walls, that has a roof
33 to protect the vessel.
- 34 23. ****Creek. See Stream.
- 35 24. Critical areas mean the following areas as designated in JCC Chapter 18.22:
- 36 a. Critical Aquifer Recharge Areas
37 b. Wetlands
38 c. Geologically Hazardous Areas
39 d. Frequently Flooded Areas
-

e. Fish and Wildlife Habitat Conservation Areas

25. Critical habitat means habitat areas with which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified herein with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or 232-12-014; in the Priority Habitat and Species (PHS) program of the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.
26. Cumulative impacts or Cumulative effects means the combined impacts of a proposed development action along with past impacts and impacts of reasonably foreseeable future development actions.
27. Current deflector means an angled stub-dike, groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.
28. *Current use means the use of land or improvements at the time of permit application.

D. D

1. Dam means a barrier across a stream or river to confine or regulate flow or raise water levels for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.
2. *DCD means the Jefferson County Department of Community Development.
3. Degrade means to scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.
4. ****Delta or river delta means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.
5. *Density means the quantity per unit area, such as the number of dwelling units per acre.
6. ***Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Program at any state of water level.

7. ****Developed shorelines means those shoreline areas that are characterized by existing uses or structures located within shoreline jurisdiction.
8. Dike means an artificial embankment placed at a stream mouth or delta to hold back sea water.
9. *Director means, unless otherwise specified, the director of the County's Department of Community Development (DCD) or the director's designee.
10. *Division of land means the creation of any new lot or lots for the purpose of sale, lease, or transfer of ownership (see Chapter 18.35 JCC).
11. Dock means a fixed platform structure anchored in and floating upon a water body that abuts the shore to provide landing for water dependent recreation or moorage for vessels or watercraft and does not include above water storage.
12. *Drainage means surface water runoff; the removal of surface water or ground water from land by drains, grading, or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.
13. Dredging means the removal of earth from the bottom of a stream, river, lake, bay, or other water body. This does not include de minimis removal of sediment during harvest of geoduck clams or other shellfish.
14. **Drift cell, drift sector, or littoral cell means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms accreted by such drift.
15. **Drip line area:** means the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.
16. *Driveway means a strip of land which provides vehicular access to one or two lots.
17. ****Dune means a hill or ridge of sand piled up by the wind and/or wave action.
18. Dwelling unit means one or more rooms or structures designed for occupancy by an individual or family for living and sleeping purposes.

E. E

1. **Ecological functions or Shoreline functions means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200 (2)(c). Functions include, but are not limited to, habitat diversity and food chain support for fish and wildlife, ground water recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and flood water attenuation and flood peak desynchronization, and water quality

enhancement through biofiltration and retention of sediments, nutrients, and toxicants. These beneficial roles are not listed in order of priority.

2. ****Ecologically intact shorelines means those shoreline areas that retain the majority of their natural shoreline functions and values, as evidenced by vegetation and shoreline configuration. Generally, but not necessarily, ecologically intact shorelines are largely free of structural shoreline modifications, structures, and intensive human activities.
3. Ecology means Washington State Department of Ecology.
4. **Ecosystem processes means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.
5. Emergency activities are those activities that require immediate action within a time too short to allow full compliance with this Program due to an unanticipated and imminent threat to public health, safety or the environment (see WAC 173-27-040). Emergency construction does not include development of new permanent protective structures where none previously existed. All emergency construction shall be consistent with the policies of 90.58 RCW and this Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
6. *Endangered species means a species which is in danger of extinction throughout all or a significant portion of its range, as classified by the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, or the federal Endangered Species Act.
7. Enhancement means actions performed within an existing degraded shoreline and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing nonindigenous plant or animal species.
8. *Erosion means the detachment and movement of soil or rock by water, wind, ice, or gravity.
9. *Erosion hazard areas means areas characterized by soils identified in the USDA Jefferson County Soil Survey as having severe water erosion hazards.
10. *Essential public facilities means those important and necessary facilities which provide essential services that are typically difficult to site, such as airports, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance-abuse facilities, mental health facilities, and group homes (RCW 36.70A.200). They do not necessarily include all public facilities or services; they may be, but are not necessarily, publicly owned. Essential public

facilities in Jefferson County include airports, large-scale transportation facilities, solid waste handling and disposal facilities, correctional facilities, in-patient treatment facilities including substance-abuse facilities and mental health facilities, state-owned educational facilities, and wastewater treatment plants.

11. *Excavation means the mechanical removal of earth, including soil, rocks, bedrock, and/or root material from areas landward of the OHWM of a waterbody.
12. Exempt development refers to activities which the legislature identified as not requiring shoreline substantial development permits. Actions in shoreline jurisdiction not requiring such permits are required to be consistent with all the relevant policies and regulations in RCW 90.58.030 and WAC 173-27(040). A letter from the County must be obtained certifying that the development is exempt. Exempt uses may still require conditional use and/or variance permits.
13. *Existing use means the use of a lot or structure or improvements at the time of the enactment of this code, unless otherwise specified.
14. Experimental aquaculture means aquaculture that uses species that have not previously been cultivated in the state of Washington.
15. *Extraction means the commercial removal of naturally occurring materials from the earth, excluding water. [Ord. 8-06 § 1]
16. ***Extreme low tide means the lowest line of the land reached by a receding tide. This is the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In the Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

F. F

1. ****Fair market value of a development means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
2. **Feasible means, for the purpose of this Program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have

- 1 demonstrated in similar circumstances that such approaches are currently
2 available and likely to achieve the intended results;
3 b. The action provides a reasonable likelihood of achieving its intended
4 purpose; and
5 c. The action does not physically preclude achieving the project's primary
6 intended legal use. In cases where these guidelines require certain actions
7 unless they are infeasible, the burden of proving infeasibility is on the
8 applicant. In determining an action's infeasibility, the reviewing agency
9 may weigh the action's relative public costs and public benefits, considered
10 in the short- and long-term time frames.
11

12 3. *Feasible alternative means an alternative that:

- 13 a. Meets the requirements of federal, state, and local laws and regulations;
14 b. Attains most or all of the basic objectives of the project;
15 c. Is technically and technologically possible;
16 d. Can be accomplished at a reasonable cost;
17 e. Can be accomplished in a reasonable amount of time; and
18 f. Adverse environmental, health, and safety effects are no greater than those
19 of the original proposal.
20

21 A determination of what is reasonable or feasible is made by the decision-making
22 body on a case-by-case basis, taking into account the:

- 23 a. Probable intensity, severity, and cumulative impacts of the original
24 proposal and alternative approaches, and opportunity for the
25 avoidance or reduction in the number, intensity, or severity of
26 significant impacts, or of the aggregate adverse impact;
27 b. Risk of upset conditions (i.e., the risk that the control and mitigation
28 measures will fail, be overwhelmed, or exceed allowed limits) and
29 the potential severity of the impact should control or mitigation
30 measures be ineffective or fail;
31 c. Capital and operating costs;
32 d. Period of time to accomplish, costs of additional time or delay, and
33 time constraints for completion; and
34 e. Location and site-specific factors, such as seasonal or topographic
35 constraints, environmentally sensitive areas and habitats, site
36 accessibility, and local community concerns.
37

- 38 4. ****Feeder bluff means any bluff or cliff experiencing periodic erosion from
39 waves, sliding or slumping that, through natural transportation, contributes eroded
40 earth, sand or gravel material via a driftway to an accretion shoreform. These
41 natural sources of beach material are limited and vital for the long-term stability
42 of driftways and accretion shoreforms (e.g., spits, bars, and hooks).

- 1 5. Fill means the addition of solid or semi-solid material such as soil, sand, rock,
2 gravel, sediment, wood chips, mining overburden, earth retaining structure, or
3 other material used to create any structure or infrastructure or than when placed
4 changes the elevation or grade of a receiving site.
- 5 6. Fill material means any solid or semi-solid material such as soil, sand, rock,
6 gravel, sediment, wood chips, mining overburden, earth retaining structure, or
7 other material from mining or other excavation activities, and materials used to
8 create any structure or infrastructure, that when placed, changes the grade or
9 elevation of the receiving site.
- 10 7. Filling means the act of transporting or placing by any manual or mechanical
11 means fill material from, to, or on any soil surface, including temporary
12 stockpiling of fill material.
- 13
- 14 8. "Fire hazard" means the accumulation of combustible materials in such a
15 condition as to be readily ignited and in such a quantity as to create a hazard from
16 fire to nearby structures, life and property.
- 17
- 18 9. Fish habitat means a complex of physical, chemical, and biological conditions
19 that provide the life supporting and reproductive needs of a species or life stage of
20 fish. Although the habitat requirements of a species depend on its age and
21 activity, the basic components of fish habitat in rivers, streams, ponds, and
22 nearshore areas include, but are not limited to, the following:
- 23 a. Clean water and appropriate temperatures for spawning, rearing, and
24 holding;
25 b. Adequate water depth and velocity for migrating, spawning, rearing, and
26 holding, including off-channel habitat;
27 c. Abundance of bank and instream structures to provide hiding and resting
28 areas and stabilize stream banks and beds;
29 d. Appropriate substrates for spawning and embryonic development. For
30 stream and lake dwelling fishes, substrates range from sands and gravel to
31 rooted vegetation or submerged rocks and logs. Generally, substrates must
32 be relatively stable and free of silts or fine sand;
33 e. Presence of riparian vegetation as defined in this Article. Riparian
34 vegetation creates a transition zone, which provides shade, and food
35 sources of aquatic and terrestrial insects for fish;
36 f. Unimpeded passage (suitable gradient and lack of barriers) for upstream
37 and downstream migrating juveniles and adults.
- 38 10. Float means a fixed platform structure anchored in and floating upon a water body
39 that does not connect to the shore, and that provides landing for water-dependent
40 recreation or moorage for vessels or watercraft, and that does not include above
41 water storage.

- 1 11. Floating aquaculture means aquaculture systems that suspend aquatic organisms
2 in the water column using buoys, rafts, docks, piers or other structure and that
3 extend more than 3 feet from the bottom into the water column. Floating
4 aquaculture is synonymous with hanging aquaculture.
- 5 12. Floating house means any floating structure that is designed, or has been
6 substantially and structurally remodeled or redesigned, to serve primarily as a
7 residence. Floating houses include house boats, house barges, or any floating
8 structures that serve primarily as a residence and do not qualify as a vessel. A
9 floating structure that is used as a residence and is capable of navigation, but is
10 not designed primarily for navigation, nor normally is capable of self propulsion
11 and use as a means of transportation, is a floating house, not a vessel per WAC
12 332-30-103.
- 13 13. *Flood or flooding means the temporary inundation of normally dry land areas
14 from the overflow of inland or tidal waters or from the unusual and rapid
15 accumulation or runoff of surface waters.
- 16 14. Flood control means all development on rivers and streams designed to retard
17 bank erosion, to reduce flooding of adjacent lands, to control or divert stream
18 flow, or to create a reservoir, including but not limited to revetments, dikes,
19 levees, channelization, dams, weirs, flood and tidal gates. Excluded are water
20 pump apparatus.
- 21 15. **Floodplain is synonymous with one hundred-year floodplain and means that
22 land area susceptible to inundation with a one percent chance of being equaled or
23 exceeded in any given year. The limit of this area shall be based upon flood
24 ordinance regulation maps or a reasonable method which meets the objectives of
25 the Act.
- 26 16. Floodplain management means a long-term program to reduce flood damages to
27 life and property and to minimize public expenses due to floods through a
28 comprehensive system of planning, development regulations, building standards,
29 structural works, and monitoring and warning systems.
- 30 17. Floodway means the area of a river valley that conveys flood waters with
31 reasonable regularity, although not necessarily annually. At a minimum, the
32 floodway is that which has been established in Federal Emergency Management
33 Act flood insurance rate maps or Federal Emergency Management Act floodway
34 maps. Other data and information, including topography, changes in soil or
35 vegetation, and other indicators of past flooding, may be used to define and map a
36 floodway that meets the objectives of the Shoreline Management Act, Chapter
37 90.58 RCW. The floodway shall not include those lands that can reasonably be
38 expected to be protected from one hundred-year flood waters by flood control
39 devices maintained by or maintained under license from the federal government,
40 the state, or a political subdivision of the state.

18. Forest land means all land that is capable of supporting a merchantable stand of timber and is not being actively used, developed, or converted in a manner that is incompatible with timber production.
19. *Forest management means forest practices pertaining to protecting, producing, and harvesting timber for economic use.
20. *Forest practice means any activity conducted on or directly pertaining to forest land and relating to growing or harvesting of timber, or the processing of timber, including but not limited to: road and trail construction and maintenance; harvest, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.
21. *Forest practice, conversion means the conversion of land to an active use incompatible with timber growing and where future nonforest uses will be located on currently forested land.
22. *Frequently flooded areas means lands subject to a one percent or greater chance of flooding in any given year. [Ord. 8-06 § 1]

G. G

1. Gabions means works composed of masses of rock, rubble, or masonry tightly enclosed usually by wire mesh so as to form massive blocks. They are used to form walls on beaches to retard wave erosion or as foundations for breakwaters or jetties.
2. Game fish means those species of fish that are classified by the Washington Department of Fish and Wildlife as game fish (WAC 232-12-019).
3. *Geologically hazardous areas means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.
4. Geologically unstable means the relative instability of a shoreform or land form for development purposes over the long term or the intended life of any proposed structure. Soil, slope, ground or surface water, other geologic conditions, vegetation and effects of development are common factors that contribute to instability. Areas characterized by banks or bluffs composed of unconsolidated alluvial or glacial deposits (till and drift material), severely fractured bedrock, active and substantial erosion, substantially deformed trees and shrubs, or active or inactive earth slides are likely to be considered geologically unstable.
5. Geotechnical report or Geotechnical analysis means a scientific study or evaluation that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the

adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local geology.

6. *Grade, existing means the elevation of the ground or site prior to any work being done or any changes being made to the ground or site.

7. *Grade, finished means the final elevation of the ground level after development.

8. Gradient means a degree of inclination, or a rate of ascent or descent, of an inclined part of the earth's surface with respect to the horizontal; the steepness of a slope. It is expressed as a ratio (vertical to horizontal), a fraction (such as meters/ kilometers or feet/miles), a percentage (of horizontal distance), or an angle (in degrees).

9. *Grading means stripping, cutting, filling, or stockpiling earth to create new grade.

10. Ground water means all water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of the state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves (Chapter 90.44 RCW).

11. *Growth Management Act (GMA) means the State of Washington Growth Management Act, Chapter 36.70A RCW, as amended. [Ord. 8-06 § 1]

12. ****Guidelines means those standards adopted under Chapter 173-26 WAC, as amended, or any successor regulations thereof, that serve as standards for implementation of the policy of Chapter 90.58 RCW for regulations of uses of the shorelines, and that provide criteria to local governments and the Department of Ecology in developing master programs.

H. H

1. *Habitat means the place or type of site where a plant or animal naturally or normally lives and grows.

2. Hanging aquaculture. See Floating aquaculture.

3. ****Harbor area means the area of navigable tidal waters as determined in Section 1 of Article 15 of the Washington State Constitution, which is forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce. Harbor areas exist between the inner and outer harbor lines as established by the state harbor line commission. Harbor areas are managed by the

Department of Natural Resources for the conveniences of navigation and commerce.

4. Hazard tree means any tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years. To be considered hazardous, there must be a structure within a tree length of the base of the trunk. Where not immediately apparent to the Administrator, the hazard tree determination shall be made after review of a report prepared by an arborist or forester.
5. Hazardous area means any shoreline area which is hazardous for intensive human use or structural development due to inherent and/or predictable physical conditions; such as but not limited to geologically hazardous areas, frequently flooded areas, and coastal high hazard areas.
6. Hazardous materials means any substance containing such elements or compounds which when discharged in any quantity in shorelines present an imminent and/or substantial danger to public health or welfare; including, but not limited to: fish, shellfish, wildlife, water quality, and other shoreline features and property.
7. *Hazardous waste means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous waste by the United States Environmental Protection Agency.
8. Hearings Board means the State Shorelines Hearings Board referenced in RCW 90.58.170.
9. *Height, building means the vertical distance from grade plane to the average height of the highest roof surface (cf. International Building Code).
10. ****Historic means having considerable importance or influence in history; historical.
11. Historic preservation professionals means those individuals who hold a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:
 - a. At least two (2) years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
 - b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
12. *Historic site, structure or landmark means a site, structure or building of outstanding archaeological, historical or cultural significance. This is shown by its designation as such by the National or Washington State Register of Historic

1 Places, designation as an historic landmark, or any such structure or feature for
2 which the State Historic Preservation Officer has made a determination of
3 significance pursuant to Section 106 of the National Historic Preservation Act.

4 13. *Hotel (or lodge) means a commercial building in which lodging is provided and
5 offered to the public for compensation, and which is open to transient guests, and
6 is not a motel or bed and breakfast inn.

7 14. *Household means one or more related or unrelated persons occupying a dwelling
8 unit. [Ord. 8-06 § 1]

9 15. Hydraulic Project Approval (HPA) means a permit issued by the State
10 Department of Fish and Wildlife for modifications to waters of the state in
11 accordance with Chapter 75.20 RCW.

12 I. I

13 1. *Illegal use means any use of land or a structure which is inconsistent with
14 current codes and/or was inconsistent with previous codes in effect when the use
15 or structure was established. An illegal use is different than a nonconforming use.
16 (See also Nonconforming.)

17 2. Impervious surface means a hard surface area that either prevents or retards the
18 entry of water into the soil mantle. Common impervious surfaces include, but are
19 not limited to, roof tops, walkways, patios, driveways, parking lots or storage
20 areas, concrete or asphalt paving, gravel roads, packed earthen materials, and
21 other surfaces. Open, uncovered retention/detention facilities shall not be
22 considered impervious surfaces for purposes of this Program. Open, uncovered
23 retention/detention facilities shall be considered impervious surfaces for purposes
24 of runoff modeling.

25 3. *Incidental means subordinate to, minor in significance, and bearing a reasonable
26 relationship with the primary use.

27 4. *Incompatible means uses and activities that are not compatible.

28 5. ****Industry means the production, processing, manufacturing, or fabrication of
29 goods or materials. Warehousing and storage of materials or production is
30 considered part of the industrial process.

31 6. Industrial development means facilities for processing, manufacturing, and
32 storage of finished or semi-finished goods, including but not limited to oil, metal
33 or mineral product refining, power generating facilities, including hydropower,
34 ship building and major repair, storage and repair of large trucks and other large
35 vehicles or heavy equipment, related storage of fuels, commercial storage and
36 repair of fishing gear, warehousing construction contractors' offices and
37 material/equipment storage yards, wholesale trade or storage, and log storage on
38 land or water, together with necessary accessory uses such as parking, loading,
39 and waste storage and treatment. Excluded from this definition are mining
40 including onsite processing of raw materials, and off-site utility, solid waste, road

- 1 or railway development, and methane digesters that are accessory to an
2 agricultural use.
- 3 7. *Infrastructure means existing installed facilities and services including capital
4 facilities such as water supply, sewage disposal, and storm drainage systems, and
5 transportation facilities such as public roads.
- 6 8. ****Inner harbor line means a line located and established in navigable tidal
7 waters between the line of ordinary high tide and the outer harbor line and
8 constituting the inner boundary of the harbor area.
- 9 9. ****Instream structure means a human-made structure placed within a stream or
10 river waterward of the ordinary high water mark that either causes or has the
11 potential to cause water impoundment, or the diversion, obstruction, or
12 modification of water flow. Instream structures may include those for
13 hydroelectric generation, irrigation, water supply, flood control, transportation,
14 utility service, transmission, fisheries enhancement, or other purposes.
- 15 10. *Intensification of nonconforming use means any increase or expansion in the
16 quality or quantity of products, goods, services, structures or adverse impacts
17 upon parcels within the vicinity of the nonconforming use produced, generated,
18 served, created or performed at the site of the legal nonconforming use by the
19 owner or occupant of that legal nonconforming use.
- 20 11. *Intensive means highly concentrated, very large, or considerable, in terms of
21 Jefferson County standards and environment.
- 22 12. *International Building Code means the building code officially adopted by
23 Jefferson County.
- 24 13. ****Intertidal means the area waterward of the ordinary high water mark and
25 landward of the line of extreme low tide.
- 26 14. Invasive species means a species that is 1) non-native (or alien) to Jefferson
27 County and 2) whose introduction causes or is likely to cause economic or
28 environmental harm or harm to human health. Invasive species can be plants,
29 animals, and other organisms (e.g., microbes). Human actions are the primary
30 means of invasive species introductions.
- 31 15. ****Island means a land mass completely surrounded by water.
- 32 J. J
- 33 1. ****Jetty means a structure generally perpendicular to the shore, extending
34 through or past the intertidal zone. Jetties are built singly or in pairs at a harbor
35 entrance or river mouth mainly to prevent accretion from littoral drift in an
36 entrance channel. Jetties also serve to protect channels from storm waves or cross
37 currents and to stabilize inlets through barrier beaches. Most jetties are of rip-
38 rapped mound construction.
- 39 2. Joint use dock. See Community dock.
-

1 K. L

- 2 1. Lake means a body of standing water in a depression of land or expanded part of a
3 stream, of twenty acres or greater in total area. A lake is bounded by the OHWM,
4 or where a stream enters the lake, the extension of the lake's OHWM within the
5 stream. A lake is generally distinguished from marshes, bogs, and swamps by its
6 greater depth.
- 7 2. Land disturbing activity means any activity that results in movement of earth, or a
8 change in the existing soil cover (both vegetative and nonvegetative) and/or the
9 existing soil topography. Land disturbing activities include, but are not limited to,
10 clearing, grading, filling, compaction, and excavation.
- 11 3. Landfill. See Filling.
- 12 4. Landslide means a general term covering a wide variety of mass movement
13 landforms and processes involving the downslope transport, under gravitational
14 influence, of soil and rock material en masse; included are debris flows, debris
15 avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.
- 16 5. *Landslide hazard areas means areas potentially subject to risk of mass movement
17 due to a combination of geologic, topographic, and hydrologic factors.
- 18 6. *Landward means to or toward the land.
- 19 7. Levee means a natural or artificial embankment on the bank of a river or stream
20 for the purpose of keeping floodwaters from inundating adjacent land. Some
21 levees have revetments on their sides.
- 22 8. Liberal construction means an interpretation that tends to effectuate the spirit and
23 purpose of the writing. For purposes of this Program, liberal construction means
24 that the administrator shall interpret the regulatory language of this Program in
25 relation to the broad policy statement of RCW 90.58.020, and make
26 determinations which are in keeping with those policies as enacted by the
27 Washington State Legislature.
- 28 9. Live-aboard means a seaworthy vessel that was designed primarily for navigation
29 but is used as a residence. A boat or other floating structure is a residence if it is
30 occupied 30 out of 45 days or 90 out of 365 days while moored or anchored in the
31 same area, or if the local government, the marina, or the occupant of the boat
32 defines it as a residence. The phrase 'in the same area' means within a radius of
33 one mile of any location where the same vessel previously moored or anchored. A
34 vessel that is occupied and is moored or anchored in the same area, but not for the
35 number of days described in this subsection, is considered a recreational or
36 transient vessel (WAC 332-30-106).
- 37 10. Log storage means the water storage of logs in rafts or otherwise prepared for
38 shipment in water-borne commerce, but does not include the temporary holding of
39 logs to be taken directly into a vessel or processing facility (RCW
40 79.105.060(10)).

- 1 11. *Logging means activities related to and conducted for purposes of harvesting or
2 processing timber.
- 3 12. *Long-term commercial significance means lands with the growing capacity,
4 productivity, soil composition, and economic viability for long-term agricultural,
5 mineral or silvicultural production.
- 6 13. *Lot means a designated tract, parcel or area of land established by plat,
7 subdivision, or as otherwise permitted by law, to be separately owned, and
8 utilized. The area below the ordinary high water mark shall not be considered a
9 part of the lot area.
- 10 14. *Lot of record means an undeveloped lot, tract or parcel of land shown on an
11 officially recorded short plat or long plat or a parcel of land officially recorded or
12 registered as a unit of property and described by platted lot number or by metes
13 and bounds and lawfully established for conveyancing purposes on the date of
14 recording of the instrument first referencing the lot. The term lot of record does
15 not imply that the lot was created in conformity with the legal regulatory
16 requirements for subdivision of property in accordance with Chapter 58.17 RCW
17 or Chapter 18.35 JCC.
- 18 15. Low intensity land use means a land use that has limited impact upon the land,
19 resources and adjoining properties in terms of the scale of development, and
20 frequency, amount, or concentration of use. Low intensity uses are mostly
21 passive uses that do not substantially consume resources or leave noticeable or
22 lasting adverse effects.

23 L. M

- 24 1. Maintenance and repair means work required to keep existing improvements in
25 their existing operational state. This does not include any modification that
26 changes the character, scope, or size of the original structure, facility, utility or
27 improved area.
- 28 2. Marina means a wet moorage and/or dry storage facility for multiple pleasure
29 crafts and/or commercial crafts where goods or services related to boating may be
30 sold commercially. Launching facilities and covered moorage may also be
31 included. Marinas may be open to the general public or restricted on the basis of
32 property ownership or membership.
- 33 3. Mass wasting means downslope movement of soil and rock material by gravity.
34 This includes soil creep, erosion, and various types of landslides, not including
35 bed load associated with natural stream sediment transport dynamics.
- 36 4. *Master planned resort means a self-contained and fully integrated planned unit
37 development in a setting of significant natural amenities, with primary focus on
38 destination resort facilities consisting of short-term visitor accommodations
39 associated with a range of on-site indoor or outdoor recreational facilities. A
40 master planned resort may include other residential uses within its boundaries, but

only if the residential uses are integrated into and support the on-site recreational nature of the resort. (cf. RCW 36.70A.360.)

5. May means the action is allowable, provided it conforms to the provisions of this Program.
6. Mean annual flow means the average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten (10) years should be used in determining mean annual flow.
7. *Mineral extraction means the removal of naturally occurring materials from the earth for economic use. Extraction materials include nonmetallic minerals such as sand, gravel, clay, coal, and various types of stone. This shall not include the following:
 - a. Excavation and grading at building construction sites where such construction is authorized by a valid building permit; or
 - b. Excavation and grading in public rights-of-way for the purpose of on-site road construction, or in private rights-of-way for the same purpose if authorized by the County; or
 - c. Excavation and grading for the purpose of developing ponds or manure lagoons for agricultural purposes; or
 - d. Excavation and grading in connection with and at the site of any creek, river, or flood-control or storm drainage channel for the purpose of enlarging hydraulic capacity or changing the location or constructing a new channel or storm drain where such work has been approved by the County; or
 - e. Excavation and grading where the excavated material will be used on the same property or on property contiguous to and under the same ownership as the excavation.
 - f. Offsite transportation of extracted minerals.
8. *Mineral processing means activities accessory to mineral extraction that include material washing, sorting, crushing or more intensive modification or alteration to a mineral resource through mechanical or chemical means after it has been removed from the earth. This does not include asphalt or concrete batch plants.
9. Mining. See mineral extraction.
10. *Mitigation means measures prescribed and implemented to avoid, minimize, lessen, or compensate for adverse impacts. Explicit in this definition is the following order of preference:
 - a. Avoiding an impact altogether by not taking a certain action or parts of actions;
 - b. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;

- c. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating an impact over time by preservation and maintenance operations during the life of the action;
- e. Compensating for an impact by replacing or providing substitute resources or environments; and
- f. Monitoring the mitigation and taking remedial action when necessary.

- 11. Mitigation bank means a site where wetlands or similar habitats are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to aquatic resources.
- 12. Mitigation plan means a detailed plan indicating actions necessary to mitigate adverse impacts to shorelines and/or critical areas.
- 13. Mixed use means a combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design.
- 14. *Mobile home means a factory-built dwelling built prior to June 15, 1976, to the standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act.
- 15. *Mobile home park means a development with two or more improved pads or spaces with required improvements and utilities designed to accommodate mobile homes, according to RCW 59.20.030 (4).
- 16. ****Mooring buoy means an anchored floating device in a water body used for the landing or storage of a vessel or water craft.
- 17. *Motel means a commercial building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.
- 18. *Motor home means a motor vehicle originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging, cooking, and sewage disposal, and enclosed within a solid body shell with the vehicle, but excluding a camper or similar unit constructed separately and affixed to a motor vehicle (RCW 46.04.305).
- 19. ***Must means a mandate; the action is required.
- 20. Multifamily dwelling means a single building, or portion thereof, designed for or occupied by three or more families living independently of each other in separate dwelling units on one lot of record and, for the purpose of this Program, includes triplexes, fourplexes, apartment buildings, and residential condominiums.

1 M. N

- 2 1. *National Register of Historic Places means the official federal list, established by
3 the National Historic Preservation Act, of sites, districts, buildings, structures and
4 objects significant in the nation's history and prehistory, or whose artistic or
5 architectural value is unique.
- 6 2. *Native vegetation means plant species that are indigenous to Jefferson County.
- 7 3. Net pens are finfish culturing systems that generally consist of two nets—an
8 interior net to keep fish in and an exterior net to exclude predators. Net pens are
9 typically anchored to the waterbody floor and suspended from the surface with a
10 floatation structure; the netting continues above the water to a degree to stop fish
11 from jumping out. Fish pen structures solely and directly established and
12 managed for purposes of salmon enhancement and/or restoration are not
13 considered net pens for purposes of this Program.
- 14 4. No net loss means the maintenance of the aggregate total of the County shoreline
15 ecological functions over time. The no net loss standard contained in WAC
16 173.XXX requires that the impacts of shoreline use and/or development, whether
17 permitted or exempt from permit requirements, be identified and mitigated such
18 that there are no resulting adverse impacts on ecological functions or processes.
- 19 5. *Noise means any sound not occurring in the natural environment which causes
20 or tends to cause an adverse psychological or physiological effect on humans.
21 This includes sounds arising from the amplification of noises generated by
22 expected or permitted uses of a lot or structure.
- 23 6. Nonconforming means a use or development which conformed to the applicable
24 codes in effect on the date of its creation but which no longer complies because of
25 changes in code requirements. Nonconformity is different than and not to be
26 confused with illegality (see Illegal use).
- 27 7. Nonconforming lot means a legal lot of record in existence prior to the effective
28 date of this Program and any amendments thereto, on which it is not possible to
29 construct a structure outside of/landward of the shoreline buffer or which does
30 not otherwise meet the minimum lot size requirements as set forth in this
31 Program.
- 32 8. *Nonconforming structure means a structure which does not conform to the
33 dimensional regulations of this Program, including but not limited to setback,
34 buffer, height, lot coverage, density, and building configuration.
- 35 9. *Nonconsumptive use means a use which does not permanently deplete, degrade,
36 or destroy the resource involved.

37 N. O

- 38 1. Off-premise sign means a sign situated on premises other than those premises to
39 which the sign's message is related.

2. ****Offshore means the sloping subtidal area seaward from the low intertidal.
3. Off-site mitigation means to replace shoreline resources at a location away from the site that is impacted by development.
4. On-premise sign means a sign situated on the premises to which the sign's message is related.
5. *On-site waste disposal means any one of several means for disposal of sanitary waste on the property from which it is generated (e.g., septic tank and drainfield).
6. *Open record hearing means a hearing, conducted by a single hearing body or officer that creates the record through testimony and submission of evidence and information, under procedures prescribed by ordinance or resolution. An open record hearing may be held prior to the decision on a project permit and is to be known as an open record predecision hearing. An open record hearing may be held on an appeal, and is to be known as an open record appeal hearing, if no open record predecision hearing has been held on the project permit.
7. *Open space means lands committed to farming and forestry uses and any parcel, lot, or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment.
8. *Open space tax program means a County program associated with property taxation. Land being used for agriculture may be enrolled in the tax program through the County assessor. The tax program is independent of land use designation (i.e., zoning) and these development regulations, except in the context of identifying existing and ongoing agriculture, as defined and regulated in this Program.
9. *Operator means any person who is in actual physical or electronic control of a powered watercraft, motor vehicle, aircraft, off-highway vehicle, or any other engine driven vehicle.
10. ***Ordinary high water mark or OHWM means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change hereafter in accordance with permits issued by Jefferson County or the Department of Ecology. On a site-specific basis, Department of Ecology has the final authority on determining where the ordinary high water mark is located.
11. ****Outer harbor line means a line located and established in navigable waters as provided in Section 1 of Article 15 of the Washington State Constitution, beyond which the state shall never sell or lease any rights whatsoever to private persons.

12. *Owner means an individual, firm, business entity, trust, association, syndicate, partnership, or corporation having sufficient property interest to seek development of land.

13. *Owner-occupied means the residential occupancy of a building or property by the owner. [Ord. 8-06 § 1]

O. P

1. *Park means a tract of land designated and used by the public for recreation.

2. *Parking lot means an off-street, ground level open area, usually improved, for the temporary storage of motor vehicles.

3. *Parties of record means the land use permit applicant; persons who have testified at the open record hearing; and any persons who have submitted written comments concerning the application that form part of the public record (excluding persons who only signed petitions or mechanically produced form letters).

4. *Performance standard means a set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

5. *Permit center means the Jefferson County Department of Community Development.

6. *Permit review means the process of reviewing applications for project permits for consistency with the requirements of this Program.

7. *Permittee means the entity to whom a permit is granted.

8. *Person means any individual, owner, contractor, tenant, partnership, corporation, business entity, association, organization, cooperative, public or municipal corporation, agency of a state or local governmental unit however designated, public or private institution, or an employee or agent of any of the foregoing entities.

9. *Pervious surface means a surface that absorbs water.

10. Pier means a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.

11. *Planned rural residential development (PRRD) means development characterized by a unified site design, clustered residential units, and areas of common open space pursuant to Article VI-M of Chapter 18.15 JCC.

12. *Planning department means the Jefferson County Department of Community Development.

13. *Plat means a map or representation of a subdivision or short subdivision of land showing the division of a parcel of land into lots, roads, dedications, common

1 areas, restrictions and easements, as regulated by Chapter 58.17 RCW and this
2 Program.

- 3 14. *Playing field means a land area designed and used for outdoor games, such as
4 baseball, football, soccer, track events and tennis. It includes public outdoor
5 swimming pools.
- 6 15. Ports are legal entities established for purposes of acquiring, constructing,
7 maintaining, operating, developing and regulating harbor improvements, rail or
8 motor vehicle transfer and terminal facilities, water transfer and terminal
9 facilities, air transfer and terminal facilities, or any combination of such transfer
10 and terminal facilities, and other commercial transportation, transfer, handling,
11 storage and terminal facilities, and industrial improvements.
- 12 16. *Predecision hearing, open record means a hearing, conducted by the hearing
13 examiner, that creates the County's record through testimony and submittal of
14 evidence and information, under procedures prescribed by the County by
15 ordinance or resolution. An open record predecision hearing may be held prior to
16 the County's decision on a project permit (RCW 36.70B.020).
- 17 17. *Preliminary plat means a neat and approximate drawing of a proposed
18 subdivision showing the general layout of streets, lots, blocks (if applicable) and
19 other elements of a subdivision consistent with the provisions of this Program.
- 20 18. Preservation means actions taken to ensure the permanent protection of existing,
21 ecologically important areas that the County has deemed worthy of long-term
22 protection.
- 23 19. Primary association means the use of a habitat area by a listed or priority species
24 for breeding/spawning, rearing young, resting, roosting, feeding, foraging, and/or
25 migrating on a frequent and/or regular basis during the appropriate season(s) as
26 well as habitats that are used less frequently/regularly but which provide for
27 essential life cycle functions such as breeding/nesting/spawning.
- 28 20. *Primary use means the principal use of a property.
- 29 21. Priority habitat means a habitat type with unique or significant value to one or
30 more species. An area classified and mapped as priority habitat must have one or
31 more of the following attributes: Comparatively high fish or wildlife density;
32 comparatively high fish or wildlife species diversity; fish spawning habitat;
33 important fish and wildlife breeding habitat; important fish or wildlife seasonal
34 range; important fish or wildlife movement corridor; rearing and foraging habitat;
35 refuge; limited availability; high vulnerability to habitat alteration; unique or
36 dependent species; or shellfish bed. A priority habitat may be described by a
37 unique vegetation type or by a dominant plant species that is of primary
38 importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A
39 priority habitat may also be described by a successional stage (such as, old growth
40 and mature forests). Alternatively, a priority habitat may consist of a specific
41 habitat element (such as talus slopes, caves, snags) of key value to fish and

wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife (WAC 173-26-020(24)).

22. Priority species means wildlife species of concern due to their population status and their sensitivity to habitat alteration, as defined by the Washington Department of Fish and Wildlife.
23. *Prohibited use means any use or activity which is specifically not allowed by this Program. A prohibited use cannot be authorized through a variance or conditional use permit.
24. Project means any proposed or existing activity regulated by Jefferson County.
25. ****Project area means all areas at and around a proposed shoreline development that would be affected directly or indirectly by the proposal for which a project proponent is seeking approval under this Master Program, and not simply the immediate area involved in the project. That is, the project area may consist of an area larger than the affected lot or parcel. Direct effects are those caused by the proposed project and occur at the same time and place. Indirect effects are those caused by the proposed project and are later in time, but still are reasonably certain to occur. The Shoreline Administrator is vested with the authority to define the project area.
26. *Proof of ownership means a photocopy of a recorded deed to property and/or a current title insurance policy insuring the status of an applicant as the owner in fee title to real property.
27. Proponent means the owner, sponsor, authorized agent and/or permit applicant of any proposed use or development on or affecting shorelines of the state.
28. *Provision means any written language contained in this Program, including without limitation any definition, policy, goal, regulation, requirement, standard, authorization, or prohibition.
29. Public access is a goal of the Shoreline Management Act that supports the public's right to get to, view and use the State's public waters, both saltwater and freshwater, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing towers and other public sites or facilities. Public access can be established by easement or other means and may not always include a facility or structure.
30. *Public facilities (and services) means facilities which serve the general public including streets, roads, ferries, sidewalks, street and road lighting systems, traffic signals, community water systems, community sewage treatment systems, storm sewer systems, parks and recreational facilities, and libraries (see RCW 36.70A.030). Some public facilities are essential public facilities.

31. Public interest means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from adverse effects of a use or development.
32. *Public transportation systems means public facilities for air, water, or land transportation.
33. Public use means the use of any land, water, or building by a public agency for the general public, or by the public itself.
34. Public utility means a use owned or operated by a public or publicly licensed or franchised agency that provides essential public services such as telephone exchanges, electric substations, radio and television stations, wireless communications services, gas and water regulation stations and other facilities of this nature.

P. Q

1. Qualified professional or qualified consultant mean a person with experience and training with expertise appropriate for the relevant subject. A qualified professional/consultant must have obtained a B.S. or B.A. degree or have appropriate education and experience
2. Qualified geotechnical engineer means a professional engineering geologist or geotechnical engineer, licensed in the state of Washington.

Q. R

1. *Rare, endangered, threatened and sensitive species means plant and animal species identified and listed by the Washington State Department of Natural Resources, Washington Natural Heritage Program, Washington State Department of Fish and Wildlife, or the U.S. Fish and Wildlife Service, as being severely limited or threatened with extinction within their native ranges.
2. *RCW means the Revised Code of Washington.
3. Reach means a section of shoreline and associated planning area that is mapped and described as a unit due to relatively homogenous characteristics that include land use and/or natural features, such as a drift cell location and other factors.
4. Recharge means the process involved in the absorption and addition of water from the unsaturated zone to ground water.
5. *Recording means the filing of a document(s) for recordation with the County auditor.
6. *Recreational development means parks and facilities for camping, indoor and outdoor sports, and similar developments.

- 1 7. Reestablishment means measures taken to intentionally restore an altered or
2 damaged natural feature or process including:
- 3 a. Active steps taken to restore damaged wetlands, streams, protected habitat,
4 and/or their buffers to the functioning condition that existed prior to an
5 unauthorized alteration;
- 6 b. Actions performed to reestablish structural and functional characteristics of
7 the critical area that have been lost by alteration, past management
8 activities, or other events; and
- 9 c. Restoration can include restoration of wetland functions and values on a
10 site where wetlands previously existed, but are no longer present due to
11 lack of water or hydric soils.
12
- 13 8. ****Rehabilitation means a type of restoration action intended to repair natural or
14 historic functions and processes. Activities could involve breaching a dike to
15 reconnect wetlands to a floodplain or other activities that restore the natural water
16 regime.
- 17 9. Renovation means to restore to an earlier condition as by repairing or remodeling.
18 Renovation shall include any interior changes to the building and those exterior
19 changes that do not substantially change the character of the existing structure.
- 20 10. Resident fish means a fish species that completes all stages of its life cycle within
21 freshwater and frequently within a local area.
- 22 11. Residential development means development of land with dwelling units for non-
23 transient occupancy. For the purposes of this Program, accessory dwelling units,
24 garages, and other similar structures accessory to a dwelling unit shall also be
25 considered residential development (See also Dwelling unit and Accessory
26 dwelling unit).
- 27 12. *Resource-based industrial means a forest resource-based industrial land use
28 designation that recognizes existing, active sawmills and related activities.
- 29 13. *Resource lands means agricultural, forest, and mineral lands that have long-term
30 commercial significance.
- 31 14. *Restoration means the reestablishment or upgrading of impaired ecological
32 shoreline processes or functions. This may be accomplished through measures
33 including, but not limited to, revegetation, removal of fill, removal of intrusive
34 shoreline structures and removal or treatment of toxic materials. Restoration does
35 not imply a requirement for returning the shoreline area to aboriginal or pre-
36 European settlement conditions.
- 37 15. *Restriction means a limitation placed upon the use of parcel(s) of land.
- 38 16. Revetment means a sloped wall constructed of rip-rap or other suitable material
39 placed on stream banks or other shorelines to retard bank erosion and minimize
40 lateral stream movement.

- 1 17. Rip-rap means dense, hard, angular rock free from cracks or other defects
2 conductive to weathering often used for bulkheads, revetments or similar
3 slope/bank stabilization purposes.
- 4 18. Riparian area means the area adjacent to a water body (stream, lake or marine
5 water) that contains vegetation that influences the aquatic ecosystem, nearshore
6 area and/or fish and wildlife habitat by providing shade, fine or large woody
7 material, nutrients, organic debris, sediment filtration, and terrestrial insects (prey
8 production). Riparian areas include those portions of terrestrial ecosystems that
9 significantly influence exchanges of energy and matter with aquatic ecosystems
10 (i.e., zone of influence). Riparian zones provide important wildlife habitat. They
11 provide sites for foraging, breeding and nesting; cover to escape predators or
12 weather; and corridors that connect different parts of a watershed for dispersal and
13 migration.
- 14 19. ****River means a large natural stream of water emptying into any ocean, lake,
15 or other body of water, and usually fed along its course by converging tributaries.
- 16 20. *Road means an improved and maintained public or private right-of-way which
17 provides vehicular access to abutting properties, and which may also include
18 provision for public utilities, pedestrian access, cut and fill slopes, and drainage.
- 19 21. *Runoff means water originating from rainfall and other precipitation that is
20 found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and
21 wetlands as well as shallow ground water. In addition, that portion of rainfall or
22 other precipitation that becomes surface flow and interflow.
- 23 22. *Rural lands means the class of land use designations which are intended to
24 preserve the rural character of the County. Rural land designations include the
25 following: rural residential, rural commercial, and rural industrial.
- 26 23. *Rural residential designation means the land use designation in the
27 Comprehensive Plan designed to recognize existing residential development
28 patterns of the rural landscape and provide for a variety of residential living
29 opportunities at densities which maintain the primarily rural residential character
30 of an area.

31 R. S

- 32 1. *Sale means the conveyance for consideration of legal or beneficial ownership.
- 33 2. *Salt water intrusion means the underground flow of salt water into wells and
34 aquifers.
- 35 3. ****Scientific and educational facilities means those sites, structures, or facilities
36 that provide unique insight into our natural and cultural heritage.
- 37 4. *Screening means a method of visually shielding or obscuring a structure or use
38 from view by fencing, walls, trees, or densely planted vegetation.
- 39 5. *Seaward means to or toward the sea.
-

- 1 6. ****Seawall means a structure whose primary purpose is to protect the shore
2 from erosion by water waves. Seawalls are similar but typically more massive
3 than bulkheads because they are designed to resist the full force of waves.
- 4 7. Sedimentation means the process by which material is transported and deposited
5 by water or wind.
- 6 8. Setback means the distance a building structure is placed behind a specified limit
7 such as a lot line or shoreline buffer.
- 8 9. Shellfish means invertebrate organisms of the phyla Arthropoda (class Crustacea),
9 Mollusca (class Pelecypoda) and Echinodermata.
- 10 10. Shellfish habitat conservation areas are all public and private tidelands suitable
11 for shellfish, as identified by the Washington Department of Health classification
12 of commercial growing areas, and those recreational harvest areas as identified by
13 the Washington Department of Ecology as designated as Shellfish Habitat
14 Conservation Areas pursuant to Chapter 365-190-80 WAC. Any area that is or
15 has been designated as a Shellfish Protection District created under RCW 90.72 is
16 also a Shellfish Habitat Conservation Area.
- 17 11. Shore armoring or structural shoreline armoring refers to the placement of
18 bulkheads and other hard structures on the shoreline to provide stabilization and
19 reduce or prevent erosion caused by wave action, currents and/or the natural
20 transport of sediments along the shoreline. Groins, jetties, breakwaters,
21 revetments, sea walls are examples of other types of shoreline armoring.
- 22 12. ***Shorelands or Shoreland areas means those lands extending landward for 200
23 feet in all directions as measured on a horizontal plane from the ordinary high
24 water mark; floodways and contiguous floodplain areas landward 200 feet from
25 such floodways; and all wetlands and river deltas associated with the streams,
26 lakes and tidal waters which are subject to the provisions of Chapter 173-22
27 WAC, as may be amended; the same to be designated as to location by the
28 Department of Ecology, as defined by RCW 90.58.
- 29 13. ***Shorelines are all of the water areas of the state as defined in RCW
30 90.58.030, including reservoirs and their associated shorelands, together with the
31 lands underlying them except the following which are excluded:
- 32 a. Shorelines of statewide significance;
33 b. Shorelines on segments of streams upstream of a point where the mean
34 annual flow is twenty cubic feet per second (20 cfs) or less and the
35 wetlands associated with such upstream segments; and
36 c. Shorelines on lakes less than twenty (20) acres in size and wetlands
37 associated with such small lakes.
- 38 14. Shoreline conditional use means a use, development, substantial development, or
39 unclassified use that, owing to some special characteristics attendant to its typical
40 operation or installation, may be allowed in certain circumstances when consistent
41 with criteria specified herein.
-

- 1 15. Shoreline conditional use permit means a permit issued by Jefferson County and
2 approved by Ecology stating that the land uses and activities meet all criteria set
3 forth in this Program, and all conditions of approval in accordance with the
4 procedural requirements of this Program.
- 5 16. Shoreline jurisdiction means all shorelines of the state and shorelands.
- 6 17. *Shoreline Management Act means the Shoreline Management Act of 1971
7 (Chapter 90.58 RCW), as amended.
- 8 18. Shoreline Master Program (SMP or Program) means the Jefferson County
9 Shoreline Master Program.
- 10 19. **Shoreline modification activities means those actions that modify the physical
11 configuration or qualities of the shoreline area, usually through the construction of
12 a physical element such as a bulkhead, dock or other shoreline structure. They can
13 include other actions, such as clearing, grading, or filling.
- 14 20. Shoreline permit means a shoreline substantial development permit, a shoreline
15 conditional use, or a shoreline variance, or any combination thereof issued by
16 Jefferson County pursuant to RCW 90.58.
- 17 21. Shoreline stabilization means non-structural modifications to the existing
18 shoreline intended to reduce or prevent erosion of uplands or beaches and/or
19 influence wave action, currents and/or the natural transport of sediments along the
20 shoreline. This includes use of bioengineering and other forms of vegetative
21 stabilization.
- 22 22. ****Shorelines of statewide significance with respect to Jefferson County are
23 identified as follows:
- 24 a. The lakes, whether natural, artificial, or a combination thereof, with a
25 surface acreage of one thousand (1,000) acres or more measured at the
26 ordinary high water mark, including associated wetlands.
- 27 b. Those areas of Puget Sound and the Strait of Juan de Fuca between the
28 ordinary high water mark and the line of extreme low tide, which are Hood
29 Canal from Tala Point to Foulweather Bluff, south to the Mason-Jefferson
30 County line, including associated wetlands.
- 31 c. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt
32 waters north to the Canadian line and lying seaward from the line of
33 extreme low tide.
- 34 d. Those natural rivers or segments thereof downstream from a point where
35 the mean annual flow is measured at one thousand (1,000) cubic feet per
36 second or more. In Jefferson County these rivers include portions of the
37 Bogachiel River, Clearwater River, Hoh River, and Quinault River.
- 38 e. Those shorelands associated with the areas described in subsection a, b,
39 and d of this definition.
- 40 23. ***Shorelines of the state means the total of all shorelines and shorelines of
41 statewide significance within Washington State.

- 1 24. **Should means that the particular action is required unless there is a
2 demonstrated, compelling reason, based on policy of the Act and this Program,
3 against taking the action.
- 4 25. *Sign means any object, device, display or structure, or part thereof, situated
5 outdoors or indoors, which is used to advertise, identify, display, direct or attract
6 attention to an object, person, institution, organization, business, product, service,
7 event or location by any means, including words, letters, figures, design, symbols,
8 fixtures, colors, illumination or projected images. Excluded from this definition
9 are signs required by law, such as handicapped parking signs, and the flags of
10 national and state governments.
- 11 26. *Sign, commercial means a sign that directs attention to a business or profession,
12 to a commodity or service sold, offered, or manufactured, or to an entertainment
13 offered on the premises where the sign is located.
- 14 27. Significant vegetation removal means the removal or alteration of trees, shrubs,
15 and/or ground cover by clearing, grading, cutting, burning, chemical means, or
16 other activity that causes significant impacts to ecological functions provided by
17 such vegetation. The removal of invasive or noxious weeds does not constitute
18 significant vegetation removal. Tree pruning, not including tree topping, where it
19 does not affect ecological functions, does not constitute significant vegetation
20 removal.
- 21 28. *Single-family residence means a dwelling unit designed for and occupied by no
22 more than one family.
- 23 29. Slope means:
- 24 a. Gradient.
- 25 b. The inclined surface of any part of the earth's surface, delineated by
26 establishing its toe and top and measured by averaging the inclination over
27 at least 10 feet of vertical relief.
- 28
- 29 30. *Small-scale means of a size or intensity which has minimal impacts on the
30 surrounding area and which makes minimal demands on the existing
31 infrastructure.
- 32 31. Soil means all unconsolidated materials above bedrock described in the Soil
33 Conservation Service Classification System or by the Unified Soils Classification
34 System.
- 35 32. *Solid waste means all putrescible and non-putrescible solid and semi-solid
36 wastes, except wastes identified in WAC 173-304-015, including, but not limited
37 to, junk vehicles, garbage, rubbish, ashes, industrial wastes, swill, demolition and
38 construction wastes, abandoned vehicles or parts thereof, and discarded
39 commodities, but excluding agricultural wastes and crop residues returned to the
40 soil at agronomic rates. This includes all liquid, solid and semi-solid materials
41 which are not the primary products of public, private, industrial, commercial,

mining and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations shall be considered solid waste.

33. ****Solid waste handling and disposal facilities means any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.
34. *Solid waste disposal means the act or process of disposing of rubbish and garbage.
35. Spit means an accretion shoreform that is narrow in relation to length and extends parallel to or curves outward from shore; spits are also characterized by a substantial wave-built sand and gravel berm on the windward side, and a more gently sloping silt or marsh shore on the lagoon or leeward side; curved spits are called hooks.
36. *Storage yard, outdoor means an outdoor area used for the storage of equipment, vehicles or materials for periods exceeding 72 hours.
37. ****Stormwater means rain or snow melt that does not naturally infiltrate into the ground but runs off surfaces such as rooftops, streets, or lawns, directly or indirectly, into streams and other water bodies or through constructed infiltration facilities into the ground.
38. Stream means an area where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the annual passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year round. This definition includes drainage ditches or other artificial water courses where natural streams existed prior to human alteration, and/or the waterway is used by anadromous or resident salmonid or other fish populations.
39. Strict construction means an interpretation that considers only the literal words of a writing.
40. *Structure means a permanent or temporary edifice or building or any piece of work artificially built up or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels (WAC 173-27-030). Retaining walls, bulkheads, fences, landscaping walls/decorative rockeries, mussel racks, and similar improvements

to real property are examples of structures. Geoduck tubes are not considered structures for purposes of this Program.

41. *Subdivision means the division or redivision of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

42. Substantial development means any development of which the total cost or fair market value exceeds five thousand seven hundred eighteen dollars (\$5,718), or any development which materially interferes with the normal public use of the water or shorelines of the state; except the classes of development listed (a) through (l) under RCW 90.58.030.3.e.

43. ****Substantially degrade means to cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment under any of the following criteria:

- a. The damaged ecological function or functions affect other related functions or the viability of the larger ecosystem; or
- b. The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or
- c. Scientific evidence indicates that the action may contribute to damage or harm to ecological functions as part of cumulative impacts from similar permitted development on nearby shorelines.

44. ****Subtidal means the area waterward of the line of extreme low tide.

45. *Sustainable means actions or activities which preserve and enhance resources for future generations. [Ord. 8-06 § 1]

S. T

1. *Threatened species means a species that is likely to become an endangered species within the foreseeable future, as classified by the Washington Department of Fish and Wildlife, the Department of Natural Resources, Washington Natural Heritage Program, or the federal Endangered Species Act.

2. *Threshold determination means the decision by the responsible official under the State Environmental Policy Act (SEPA) regarding the likelihood that a project or other action (WAC 197-11-704) will have a probable significant adverse impact on an element of the environment.

3. Toe means the lowest part of a slope or cliff; the downslope end of an alluvial fan, landslide, etc.

T. U

1. Unavoidable means adverse impacts that remain after all appropriate avoidance and minimization measures have been implemented.

2. *Uplands means dry lands landward of OHWM.

3. *Urban growth area means an area designated by the County within which urban growth is to be encouraged and outside of which growth is not intended to be urban in nature. (cf. Chapter 36.70A RCW.)
4. *Use means the purpose that land or building or structures now serve or for which they are or may be occupied, maintained, arranged, designed, or intended.
5. *Utility distribution lines means pipes, wires, and associated structural supports.
6. *Utility facilities means facilities directly used for the distribution or transmission of services to an area, excluding utility service offices.

U. V

1. *Variance (or shoreline variance) permit means a type of permit that can provide relief from the dimensional requirements of this Program. A variance may only be granted when all of the criteria listed at WAC 173-27-170 are met. The variance is intended to allow only a minimum degree of variation from setback or other standards, just enough to afford relief and to allow a reasonable use of a property. Variances approved by Jefferson County must also be approved, denied, or approved with conditions by Ecology.
2. Vessel means a floating structure that is designed primarily for navigation, is normally capable of self propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency as per WAC 332-30-103.
3. *Vicinity means, in rural and resource lands, the area generally within one mile of the exterior boundary of a given parcel. [Ord. 8-06 § 1]
4. ****View protection means protection of the visual quality of the shoreline resource and maintenance of view corridors to and from waterways and their adjacent shoreland features.

V. W

1. *WAC means the Washington Administrative Code.
2. ****Waste disposal means refuse composed of garbage, rubbish, ashes, dead animals, demolition wastes, automobile parts, and similar material.
3. ***Water-dependent use means a use or portion of a use that requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations. Ferry terminals, public fishing piers, and marinas are examples of water-dependent uses. Residential development is not a water-dependent use but is a preferred use of shorelines of the state.
4. **Water-enjoyment use means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a

substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. A restaurant or similar use may qualify as a water-enjoyment use provided it includes public access to the shoreline.

5. Water-oriented use means any one or a combination of water-dependent, water-related or water-enjoyment uses and serves as an all-encompassing definition for priority uses under the Act.

6. Water quality means the characteristics of water, including flow or amount and related physical, chemical, aesthetic, recreation-related, and biological characteristics.

7. **Water-related use means a use or portion of a use that is not intrinsically dependent on a waterfront location but depends upon a waterfront location for economic viability because of one of the following:

- a. A functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- b. The use provides a necessary service supportive of the water-dependent activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Water-related uses include manufacturers of ship parts large enough that transportation becomes a significant factor in the product's cost; professional services for primarily water-dependent activities and storage of water-transported foods. Other examples of water-related uses may include the warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage for water-borne transportation.

8. Watershed means a geographic region within which water drains into a particular river, stream or body of water.

9. ***Wetlands means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created for non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial

- 1 wetlands intentionally created from non-wetland areas to mitigate the conversion
2 of wetlands.
- 3 10. Windthrow means a natural process by which trees are uprooted or sustain severe
4 trunk damage by the wind.

ARTICLE 3 – MASTER PROGRAM GOALS

This Article describes the overall goals of the Master Program, which apply to all uses and developments within shoreline jurisdiction regardless of the designated shoreline environment in which they occur. These goals are informed by WAC 173-26 and the governing principles described in Article 1. The general policies and regulations in Article 6 and the specific use policies and regulations in Articles 7 and 8 are the means by which these goals are implemented. Achievement of these goals shall be consistent with the state's policies of avoiding cumulative impacts and ensuring no net loss of shoreline processes, functions, and values. These goals are not listed in order of priority.

1. Conservation

A. Purpose

As required by RCW 90.58.100(2)(f), the conservation goals address the protection of natural resources, scenic vistas, aesthetics, and vital shoreline areas for fisheries and wildlife for the benefit of present and future generations.

B. Goals

1. Preserve, enhance and protect shoreline resources (i.e., wetlands, intertidal areas, and other fish and wildlife habitats) for their ecological functions and values, and aesthetic and scenic qualities.
2. Maintain and sustain natural shoreline formation processes through effective shoreline management.
3. Promote restoration and enhancement of areas that are biologically and/or aesthetically degraded while maintaining appropriate use of the shoreline.
4. Protect and enhance native shoreline vegetation to maintain water quality, fish and wildlife habitat, and other ecological functions, values and processes.

2. Economic Development

A. Purpose

As required by RCW 90.58.100(2)(a), the economic development goals address the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines.

B. Goals

1. Encourage viable, orderly economic growth through economic activities that benefit the local economy and are environmentally sensitive. Such activities should not disrupt or degrade the shoreline or surrounding environment.

2. Accommodate and promote water-oriented industrial and commercial uses and developments, giving highest preference to water-dependent uses.
3. Encourage water-oriented recreational use as an economic asset that will enhance public enjoyment of the shoreline.
4. Encourage economic development in areas already partially developed with similar uses when consistent with this Program and the Jefferson County Comprehensive Plan.

3. Historic, Archeological, Cultural, Scientific and Educational Resources

A. Purpose

As required by RCW 90.58.100(2)(g), these goals address protection and restoration of buildings, sites and areas having historic, archeological, cultural, scientific, or educational significance.

B. Goals

1. Maintain finite and irreplaceable links to the past by identifying, preserving, protecting, and where appropriate, restoring historic, archaeological, cultural, scientific, and educational (HACSE) sites.
2. Protect HACSE sites and buildings identified on national, state or local historic registers from destruction or alteration, and from encroachment by incompatible uses.
3. Acquire, where feasible, HACSE sites to ensure their protection and preservation for present and future generations.
4. Foster greater appreciation for shoreline management, maritime activities, environmental conservation, natural history and cultural heritage by educating and informing citizens of all ages through diverse means.
5. Ensure that tribal organizations and the State Office of Archaeology and Historic Preservation are involved in the review of projects that could potentially affect such resources.

4. Public Access

A. Purpose

As required by RCW 90.58.100(2)(b), the public access goals address the ability of the public to reach, touch, and travel on the shorelines of the state and to view the water and the shoreline from adjacent locations.

B. Goals

1. Develop, adopt, and implement a Shoreline Public Access Plan that incorporates public access into major new shoreline development, unifies individual public

- access points into a comprehensive system, and seeks new waterfront access points that can be acquired for public use.
2. Evaluate potential public access opportunities when reviewing all shoreline development projects except for individual single-family residential development projects.
 3. Acquire property (i.e., through purchase, donation or other agreement) to provide public access to the water's edge in appropriate and suitable locations.
 4. Regulate shoreline use and development to minimize interference with the public's use of the water and protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines, including views of the water.
 5. Expand opportunities for physical and visual public access to shorelines when such access can occur without human health, safety, and/or security risks, and without adverse effects on shoreline functions, processes, values, private property rights, and/or neighboring uses.
 6. Incorporate educational and interpretive signage and other tools into public access facilities to enhance the public's understanding and appreciation of shoreline ecology, cultural history and maritime heritage.

5. Recreation

A. Purpose

As required by RCW 90.58.100(2)(c), the recreation goals address the creation and expansion of water-oriented public recreational opportunities including, but not limited to, parks, tidelands, beaches, and ecological study areas.

B. Goals

1. Encourage diverse recreational opportunities in shoreline areas that can support such use and development without human health, safety, and/or security risks, and without adverse effects on shoreline functions, processes, values, private property rights, and/or neighboring uses.
2. Plan for future shoreline recreation needs and acquire (i.e., through purchase, donation or other agreement) shoreline areas that have a high potential to provide recreation areas.
3. Provide for both active and passive recreational needs when developing recreational areas.
4. Support other governmental and non-governmental efforts to acquire and develop additional shoreline properties for public recreational uses.

6. Restoration and Enhancement²

A. Purpose

As required by WAC 173-26-186, the restoration and enhancement goals address reestablishment, rehabilitation and improvement of impaired shoreline ecological functions, values and/or processes.

B. Goals

1. Improve shoreline functions, processes, and values over time through regulatory, voluntary and incentive-based public and private programs and actions that are consistent with the Shoreline Master Program Restoration Plan and other agency adopted restoration plans.
2. Encourage cooperative restoration programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners.
3. Provide fundamental support to restoration work by various organizations by identifying shoreline restoration priorities, and by organizing information on available funding sources for restoration implementation.
4. Implement actions that restore shoreline ecological functions, values and processes as well as shoreline features, improve habitat for sensitive and/or locally important species, and are consistent with biological recovery goals for threatened salmon populations and other species and/or populations for which a recovery plan is available.
5. Integrate restoration efforts with other parallel natural resource management efforts including, but not limited to, shellfish closure response plans and water quality cleanup plans.

7. Shoreline Use

A. Purpose

As required by RCW 90.58.100(2)(e), the shoreline use goals address the general distribution, location, and extent of housing, business, industry, transportation, agriculture, natural resources, aquaculture, recreation, education, navigation, and other categories of public and private land use.

B. Goals

1. Ensure that shoreline use patterns are compatible with the ecological functions and values of the shoreline and avoid disruption of natural shoreline processes.

² These goals need to be refined following completion and review of the Restoration Plan.

2. Increase protection of shoreline ecological resources by properly siting and regulating water-dependent and residential uses that have preferred status for use of waterfront lands.
3. Encourage uses that allow for or include restoration so that areas affected by past activities or catastrophic events can be improved.
4. Ensure that all new development is consistent with the Land Use and Rural Element and other pertinent sections of the Comprehensive Plan and the Growth Management Act (RCW 36.70A).
5. Limit development intensity in ecologically sensitive and fragile areas.
6. Reduce health and safety risks by limiting development in areas subject to flooding, erosion, landslides, channel migration, and other hazards.
7. Reserve aquatic lands including tidelands for water-dependent uses such as aquaculture.
8. Protect tidelands and bedlands that were acquired and retained under the Bush and Callow Acts by not permitting unrelated uses on these tidelands.
9. Implement measures to counter effects from potential rise in sea-level to those developments proposed for no-bank and low bank marine shoreline parcels. .

8. Transportation, Utilities and Essential Public Facilities

A. Purpose

As required by RCW 90.58.100(2)(d), the transportation and essential public facilities goals address circulation and the general location and extent of thoroughfares, transportation routes, terminals, and other public utilities and facilities.

B. Goals

1. Develop efficient and economical transportation systems and other essential public facilities in a manner that assures the safe movement of people and goods and that effectively provides other essential services without adverse effects on shoreline use and development or shoreline ecological functions, processes, or values.
2. Provide and/or enhance physical and visual public shoreline access along public roads (i.e., turnouts, viewpoints and rest areas) in accordance with the public access provisions of this Program.
3. Provide for alternative modes of travel when developing circulation systems and ensure consistency with the Jefferson County Non-motorized Transportation and Recreational Trails Plan.

- 1 4. Locate, construct and maintain new transportation and other essential public
2 facilities in areas that do not require shoreline stabilization, dredging, extensive
3 cut/fill and other forms of shoreline alteration.
- 4 5. Identify road and public infrastructure developments that interfere with natural
5 processes, require shoreline armoring, or have exorbitant maintenance needs.
6 Prioritize relocation of such facilities to more environmentally sustainable and
7 economically sensible locations.

ARTICLE 4 – SHORELINE JURISDICTION AND ENVIRONMENT DESIGNATIONS

1. Shoreline Jurisdiction and Mapping

- A. The provisions of this Program shall apply to all shorelines of the state in unincorporated Jefferson County including all freshwater and saltwater shorelines, shorelines of statewide significance and all shorelands as defined in Article 2 and RCW 90.58.030. These areas are collectively referred to herein as ‘shorelines’. The Official Shoreline Map appended to this Program [Appendix A – provided under separate cover] shows the general location and approximate extent of such shorelines.
- B. The Official Shoreline Map shows the environment designations that apply to each segment of the shoreline planning area. The Official Shoreline Map is for planning purposes only. It does not necessarily identify or depict the precise lateral extent of shoreline jurisdiction or all associated wetlands. The lateral extent of the shoreline jurisdiction at the parcel level shall be determined on a case-by-case basis at the time a shoreline development is proposed. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the ordinary high water mark and any associated wetlands.
- C. The County shall maintain a Geographic Information Systems database that depicts the coordinates for locating the upstream extent of shoreline jurisdiction (that is, the location where the mean annual stream flow is at least 20 cubic feet per second). The database shall also show the limits of the floodplain, floodway, and channel migration zones, and such information shall be used, along with site-specific information on the location of the ordinary high water mark and associated wetlands, to determine the lateral extent of shoreline jurisdiction on a parcel-by-parcel basis. The database shall be updated regularly as new information is made available and the public shall have access to the database upon request.
- D. All areas within shoreline jurisdiction that are not mapped and/or not designated shall be designated Conservancy until the area is redesignated through a Master Program amendment.
- E. If disagreement develops as to the exact location of a shoreline environment designation boundary line shown on the Official Shoreline Map, the following rules shall apply:
 1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
 2. Boundaries indicated as approximately following roads or railways shall be respectively construed to follow their centerlines.

3. Boundaries indicated as approximately parallel to or extensions of features indicated in 1.E.1 or 1.E.2 of this chapter.
4. Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Administrator shall interpret the boundaries. Appeals of such interpretations may be filed pursuant to the applicable appeal procedures described in Article 10.

2. Shoreline Environment Designations – Purpose and Criteria

A. Shoreline environment designations have been developed as a part of this Program in accordance with WAC 173-26-211. The designations provide a systematic, rational, and equitable basis upon which to guide and regulate use and development within specific shoreline planning areas.

B. Shoreline environment designations are based on the following general factors, not listed in order of priority:

1. The ecological functions and processes that characterize the shoreline, together with the degree of human alteration as determined by the November 2008 *Final Shoreline Inventory and Characterization Report* and subsequent technical analyses; and
2. The County's goal of having coordinated planning for open space, public access and other aspects of shoreline management; and
3. Existing and planned development patterns, including County Comprehensive Plan designations; and
4. The County Comprehensive Plan goals for shorelines; and
5. The requirements outlined in WAC 173-26-211; and
6. Public demand for state-owned wilderness beaches, ecological study areas, and public access and recreational activities.

C. Shorelines in Jefferson County shall have one or more of the following designations:

1. Priority Aquatic (PA)
 - i. Purpose. The Priority Aquatic designation protects to the highest degree possible and, where feasible, restores waters and their underlying bedlands deemed vital for salmon and shellfish.
 - ii. Designation Criteria. The Priority Aquatic designation is assigned to the most vital salmon streams and nearshore areas and the highest value marine shellfish habitats waterward of the ordinary high water mark. These shorelines have one or more of the following qualities:
 - Documented Endangered Species Act-listed salmonid streams and marine habitats (summer chum, chinook, and steelhead);

- Estuaries that support Endangered Species Act-listed salmonid rearing;
- Other freshwater shorelines that provide habitat for salmonid species (coho, fall chum, pink, and cutthroat) and are relatively undeveloped;
- Intact drift cell processes (i.e., sediment source, transport, and deposition);
- Documented forage fish spawning habitats (herring, surf smelt, sandlance); and/or
- Important intertidal and subtidal shellfish areas (clam, oyster, crab, shrimp, and geoduck).

2. Aquatic (A)

- i. Purpose. The Aquatic designation protects, manages, and, where feasible, restores lake, stream, and marine waters and their underlying bedlands that are not designated as Priority Aquatic.
- ii. Designation Criteria. The Aquatic designation is assigned to shoreline areas waterward of the ordinary high water mark if the area does not meet the criteria for the Priority Aquatic designation.

3. Natural (N)

- i. Purpose. The Natural designation protects from harm or adverse impact shoreline areas that are intact, have minimally degraded functions and processes, or are relatively free of human influence.
- ii. Designation Criteria. The Natural designation is assigned to shoreline areas landward of the ordinary high water mark if any of the following characteristics apply:
 - The shoreline is mostly ecologically intact and therefore currently performing an important or irreplaceable function or process that would be damaged by human activity; or
 - The shoreline, whether minimally disturbed or intact, represents an ecosystem type or geologic feature that is of particular scientific and/or educational interest; or
 - The shoreline contains undisturbed wetlands, estuaries, feeder bluffs, unstable slopes, coastal dunes, and/or accretional spits; or
 - The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or processes; or
 - The shoreline has the potential to return to - natural conditions with minimal or no restoration activity; or

- The shoreline possesses serious development limitations or human health and safety risks due to the presence of environmental hazards related to flooding, channel migration, erosion or landslides and similar occurrences.

4. Conservancy (C)

- i. Purpose. The Conservancy designation provides for sustained use of resource lands and other relatively undeveloped shorelines while protecting ecological functions, conserving natural, historic and cultural resources, and providing recreational opportunities.
- ii. Designation Criteria. A Conservancy designation is assigned to shoreline areas landward of the ordinary high water mark if they do not meet the criteria for the Natural designation and if any of the following characteristics apply:
 - The shoreline is relatively undeveloped or currently supporting resource-based uses; or
 - The shoreline can support low impact outdoor recreational activities; or
 - The shoreline is predominantly low density Rural Residential use; or
 - The shoreline can support low density residential development and low intensity water-oriented uses, including some commercial and industrial uses, without significant adverse impacts to shoreline functions or processes; or
 - The shoreline is a good candidate for ecological restoration.

5. Shoreline Residential (SR)

- i. Purpose. The Shoreline Residential designation accommodates residential development and accessory structures that are properly located and designed, in areas where high density residential developments and services exist or are planned.
- ii. Designation Criteria. The Shoreline Residential designation is assigned to shoreline areas landward of the ordinary high water mark if they do not meet the criteria for the Natural, Conservancy or High Intensity environments, and if any of the following characteristics apply:
 - The shoreline is within an Urban Growth Area (UGA); or Master Planned Resort (MPR); or designated high density Rural Residential area; or
 - The shoreline is predominantly high density single-family or multifamily residential development or is planned and platted for high density residential development.

1
2
3 6. High Intensity (HI)

- 4 i. Purpose. The High Intensity designation ensures continued use of
5 shorelines that are either presently used for commercial, industrial, or
6 other high intensity non-residential purposes or provide future economic
7 development or recreational opportunities at a higher scale and intensity
8 than can be achieved in more ecologically sensitive areas.
9
10 ii. Designation Criteria. The High Intensity designation is assigned to
11 shorelines landward of the ordinary high water mark if they do not meet
12 the criteria for the Natural, Conservancy or Shoreline Residential
13 environments if any of the following characteristics apply:
14 • The shoreline is within an urban growth area (UGA), Rural
15 Commercial area, or Rural Industrial area and is suitable for high
16 intensity uses; or
17 • The shoreline is currently used for industrial, commercial or other
18 high intensity non-residential uses and is suitable for ongoing
19 high intensity use.

20 **3. Uses Allowed in each Shoreline Environment Designation**

- 21 A. Each shoreline environment designation shall be managed in accordance with its
22 designated purpose as described in this section. Table 1 shows the permitted uses,
23 conditional uses and prohibited uses for each environment designation. The
24 requirements governing each use are described in Articles 6, 7 and 8 of this Program.
25 The permit criteria are described in Article 9 and the administrative standards
26 including the review procedures are described in Article 10.

Table 1 - Permitted, Conditional and Prohibited Uses by Shoreline Environment Designation						
<p>P = Use may be permitted subject to polices and regulations of Program.</p> <p>C(a) = Conditional use administrative.</p> <p>C(d) = Conditional use discretionary.</p> <p>X = Prohibited use.</p> <p>* see specific section for exceptions and limitations.</p> <p>Exceptions and limitations apply as noted in the Program. Subject to limitations (*). Subject to exceptions (-).</p>						
Shoreline Uses	Environment Designations					
	Priority Aquatic	Aquatic	Natural	Conservancy	Shoreline Residential	High Intensity
Agriculture	N/A	N/A	X-	P	P	P
Aquaculture						
Bottom culture/ Hanging/floating culture	P	P	P	P	C(a)	P
Net Pens	X*	X*	X*	X*	X*	X*
Nurseries, incubators, hatcheries, sorting and staging facilities	P*	P*	P*	P*	P*	P*
Beach Access Structures	P	P	C(a)	P	P	P
	P	P	P	P	P	P
Boating Facilities						
Boat launches	P*	P*	P	P	P	P
Docks, piers, floats, lifts	P*	P*	P	P	P	P
Marinas	X	P*	X	C(d)	C(d)	P
Mooring buoys	P*	P	P	P	P	P
Commercial Development						
Water-oriented (recreation)	X*	P*	X-	C(d)	P	P
Water-oriented (other than recreation)	X	P*	X	C(d)	P	P
Non-water-oriented	X	X	X	X-	C(d)	C(d)
Dredging	C(d)	C(d)	X-	C(d)	C(d)	P

Table 1 - Permitted, Conditional and Prohibited Uses by Shoreline Environment Designation						
<p>P = Use may be permitted subject to polices and regulations of Program.</p> <p>C(a) = Conditional use administrative. C(d) = Conditional use discretionary.</p> <p>X = Prohibited use. * see specific section for exceptions and limitations.</p> <p>Exceptions and limitations apply as noted in the Program. Subject to limitations (*). Subject to exceptions (-).</p>						
Shoreline Uses	Environment Designations					
	Priority Aquatic	Aquatic	Natural	Conservancy	Shoreline Residential	High Intensity
Dredge Disposal	C(d)	C(d)	X-	P*	P*	P*
*Filling & Excavation	C(d)	C(d)	X-	C(d)	P	P
Flood Control Structures	C(d)	C(d)	X-	C(d)	C(d)	C(d)
Forest Practices	X	X	P*	P*	P*	P*
In-stream Structures	C(d)	C(d)	X	C(d)	C(d)	C(d)
Industrial & Port Development						
Water-oriented	X	P	X	P	P	P
Non-water-oriented	X	X	X	X-	X-	P
Mining	X	X	X	X	X	X
Parking						
Accessory to permitted use	X	X	X	X	P	P
Primary use	X	X	X	X	C(d)	C(d)
Recreation						
Water-oriented	P*	P*	P*	P*	P*	P*
Non-water-oriented	X	X	X	X	P*	P*
Residential						
Single family (and normal appurtenances)	X	X	C(a)	P	P	P
Accessory structures associated with single family development (other than)	X	X	C(a)	P	P	P
Boating facilities and boat houses Associated with single Family Structures	X	X	X	P	P	P

Table 1 - Permitted, Conditional and Prohibited Uses by Shoreline Environment Designation						
<p>P = Use may be permitted subject to polices and regulations of Program.</p> <p>C(a) = Conditional use administrative.</p> <p>C(d) = Conditional use discretionary.</p> <p>X = Prohibited use.</p> <p>* see specific section for exceptions and limitations.</p> <p>Exceptions and limitations apply as noted in the Program. Subject to limitations (*). Subject to exceptions (-).</p>						
	Environment Designations					
Shoreline Uses	Priority Aquatic	Aquatic	Natural	Conservancy	Shoreline Residential	High Intensity
Multifamily	X	X	X	P*	P	P*
Restoration & Enhancement	P	P	P	P	P	P
Shoreline Armoring (river and marine)						
Structural (non residential)	X	C(a)	C(a)	C(a)	C(a)	C(a)
Structural (accessory to residential development)	X	X	X	C(a)	C(a)	C(a)
Non-structural (bio-stabilization)	P	P*	P*	P	P	P
Shoreline Armoring (lakes)						
Structural	X	X	X	X	P	P
Nonstructural	X	C(a)	P	P	P	P
Signs	P*	P*	X-	P	P	P
Transportation						
Serving an allowed use	C(d)	C(d)	P*	P*	P*	P*
Not serving a specific allowed use	C(d)	C(d)	X-	P*	P*	P*
Utilities						
Essential Public Facilities	C(d)	C(d)	X-	C(d)	C(d)	C(d)
Oil, Gas and Natural Gas Transmission Lines	C(d)	C(d)	X-	P*	P*	P
Power/Tidal energy generation facilities	X	C(d)	X	C(d)	C(d)	C(d)
Desalinization Plants	X-	X-	X	C(d)	C(d)	C(d)
Sewage Systems	X-	X-	X-	C(d)	C(d)	P
Water Systems	X-	X-	X-	C(d)	C(d)	P
Electrical and Communication Lines	C(d)	C(d)	X-	P*	P*	P

ARTICLE 5 – SHORELINES OF STATEWIDE SIGNIFICANCE

1. Adoption of Policy

A. In accordance with RCW 90.58.020, the County shall manage shorelines of statewide significance in accordance with this section and in accordance with the Program as a whole. Preference shall be given to uses that are consistent with the statewide interest in such shorelines. Uses that are not consistent with this section or do not comply with the other applicable policies and regulations of this Program shall not be permitted on shorelines of statewide significance.

B. In managing shorelines of statewide significance, Jefferson County shall:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Seek long-term benefits over short-term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shoreline;
6. Increase recreational opportunities for the public in the shoreline; and
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

2. Designation of Shorelines of Statewide Significance

A. In accordance with RCW 90.58.030(2)(e), the following Jefferson County shorelines are designated shorelines of statewide significance:

1. Shorelines of natural rivers or segments thereof, including portions of the Bogachiel, Clearwater, Hoh, and Quinault Rivers, downstream from a point where the mean annual flow equals 1,000 cubic feet per second or more; and
2. The waters of Hood Canal between the ordinary high water mark and the line of extreme low tide south of the line between Tala Point and Foulweather Bluff; and
3. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide.

3. Use Preference

- A. To ensure that statewide interests are protected over local interests, the County shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.030, this Program, and the following policies, which are not listed in priority order:
1. When shoreline development or redevelopment occurs, it shall include restoration and/or enhancement of ecological conditions if such opportunities exist;
 2. State and federal resource agencies, co-managers, and tribes, shall be consulted for development proposals that affect anadromous fish, shellfish, marine birds, and other shoreline resources;
 3. Areas that are subject to commercial timber harvest pursuant to the Forest Practices Act and RCW 90.58.150 should be reforested as soon as possible and in accordance with the Forest Practices Act and the Forest and Fish Report;
 4. Uses that are sustainable, that do not deplete natural resources, and that are compatible with other approved uses shall be preferred over uses that do not have these qualities;
 5. Uses that provide long-term benefits shall be preferred over uses that provide only short-term gains;
 6. Uses that preserve aesthetic qualities shall be preferred over uses that impact aesthetic qualities;
 7. Uses that require a shoreline location shall be preferred over non-water-related uses. Non-water-related uses should be located outside the shoreline jurisdiction or in areas where they will not interfere with or displace preferred uses or public access;
 8. Commercial shellfish beds, areas that support recreation and tourism, and other economic resources of statewide importance shall be protected;
 9. Uses that have the potential to cause significant erosion and sedimentation due to excavation, land clearing, or other activities shall be strictly regulated to prevent adverse impacts to shoreline functions and processes;
 10. All public access and recreation use and development shall be designed to protect the ecological resources upon which such activities depend; and
 11. Public and private development shall be encouraged to provide trails, viewpoints, water access points and water-related recreation opportunities where conditions are appropriate for such uses.

ARTICLE 6 – GENERAL POLICIES AND REGULATIONS

The policies and regulations in this Article apply to all uses and developments in all shoreline environments. The policies and regulations are not listed in order of priority. These policies and regulations:

- Help to implement the Master Program goals in Article 3; and
- Are informed by the governing principles in Article 1; and
- Work in concert with all the other policies and regulations contained in this Program; and
- Are based on the state shoreline guidelines (WAC 173-26).

1. Critical Areas, Shoreline Buffers, and Ecological Protection

A. Policies

1. All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts on the shoreline environment. Uses and developments that may cause the future ecological condition to become worse than current condition should not be allowed.
2. In assessing the potential for new uses and developments to cause adverse impacts, the County shall take into account all of the following:
 - i. Effects on ecological functions and ecosystem processes; and
 - ii. Effects that occur on-site and effects that may occur off-site; and
 - iii. Immediate effects and long-term effects; and
 - iv. Direct effects of the project and indirect effects; and
 - v. Individual effects of the project and the incremental or cumulative effects resulting from the project added to other past, present, and reasonably foreseeable future actions; and
 - vi. Compensatory mitigation actions that offset adverse impacts of the development action and/or use.
3. The County should work with other local, state, and federal regulatory agencies and resource management agencies to ensure that mitigation actions carried out in support of this Program are likely to be successful and achieve beneficial ecological outcomes. This includes assisting applicants/proponents in planning, designing and implementing mitigation.
4. Single-family residential development on non-conforming lots should not substantially impair the view of the adjacent residences.

B. Regulations – No Net Loss and Mitigation

1. All shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall be located, designed, constructed,

1 conducted, and maintained in a manner that maintains shoreline ecological
2 processes and functions.

- 3 2. Uses and developments that cause a net loss of ecological functions and processes
4 shall be prohibited. Any use or development that causes the future ecological
5 condition to become worse than current condition shall be prohibited.
- 6 3. Proponents of new shoreline use and development shall employ measures to
7 mitigate adverse impacts on shoreline functions and processes.

8 Mitigation shall include the following actions in order of priority:

- 9 i. Avoiding the impact altogether by not taking a certain action or parts of
10 an action;
- 11 ii. Minimizing impacts by limiting the degree or magnitude of the action
12 and its implementation by using appropriate technology or by taking
13 affirmative steps to avoid or reduce impacts;
- 14 iii. Rectifying the impact by repairing, rehabilitating, or restoring the
15 affected environment;
- 16 iv. Reducing or eliminating the impact over time by preservation and
17 maintenance operations;
- 18 v. Compensating for the impact by replacing, enhancing, or providing
19 substitute resources or environments;
- 20 vi. Monitoring the impact and the compensation projects and taking
21 appropriate corrective measures.
- 22 4. Mitigation actions shall not have a significant adverse impact on other shoreline
23 uses fostered by the policies of the Shoreline Management Act.
- 24 5. When compensatory mitigation measures are required, all of the following shall
25 apply:
- 26 i. The quality and quantity of the replaced, enhanced, or substituted
27 resources shall be the same or better than the affected resources; and
- 28 ii. The mitigation site and associated vegetative planting shall be nurtured
29 and maintained such that healthy native plant communities can grow and
30 mature over time; and
- 31 iii. The mitigation shall be informed by pertinent scientific and technical
32 studies, including but not limited to the Shoreline Inventory and
33 Characterization Report, the Shoreline Restoration Plan and other
34 background studies prepared in support of this Program; and
- 35 iv. The mitigation shall replace the functions as quickly as possible
36 following the impacts to ensure no net loss; and
- 37 v. The mitigation activity shall be monitored and maintained to ensure that
38 it achieves its intended functions and values. The monitoring
39 timeframes shall be consistent with JCC 18.22.350 (3)(h).

- 1 vi. The County shall require the applicant/proponent to post a bond or
2 provide other financial surety equal to the estimated cost of the
3 mitigation in order to ensure the mitigation is carried out successfully.
4 The bond/surety shall be refunded to the applicant/proponent upon
5 completion of the mitigation activity and any required monitoring.
- 6 6. To encourage shoreline property owners to remove bulkheads and perform other
7 beneficial shoreline restoration actions in advance of shoreline development or
8 redevelopment, the County may give mitigation credit to any beneficial restoration
9 action that occurred within 5 years of the proposed development/redevelopment
10 activity provided that:
- 11 i. The applicant/property owner can provide conclusive evidence of the
12 pre- and post-restoration conditions using photographs, reports, plans,
13 affidavits, or similar evidence; and
- 14 ii. The County can confirm via site inspection, photographs, affidavits or
15 other evidence that the restoration actions have improved shoreline
16 conditions.
- 17 iii. The applicant/property owner provides assurances that the restoration
18 area will be maintained in perpetuity. The assurance can be in the form
19 of a notice on title, conservation easement, or similar mechanism.
- 20 7. Compensatory mitigation measures shall occur in the vicinity of the impact or at an
21 alternative location within the same watershed or appropriate section of marine
22 shoreline (e.g., reach or drift cell) that provides greater and more sustainable
23 ecological benefits. When determining whether offsite mitigation provides greater
24 and more sustainable benefits, the County shall consider limiting factors, critical
25 habitat needs, and other factors identified by the locally adopted shoreline
26 restoration plan [insert date of adoption or resolution number], or an approved
27 watershed or comprehensive resource management plan. The County may also
28 approve use of alternative mitigation practices such as in-lieu fee programs,
29 mitigation banks, and other similar approaches provided they have been approved
30 and sanctioned by the Department of Ecology, the Puget Sound Partnership, the
31 Department of Fish and Wildlife or the Army Corps of Engineers.
- 32 8. Land that is constrained by critical areas and/or buffers shall not be subdivided to
33 create parcels that are only buildable through a shoreline variance.

34 C. Regulations – Cumulative Impacts

- 35 1. The County shall consider the cumulative impacts of individual uses and
36 developments, including preferred uses and uses that are exempt from permit
37 requirements, when determining whether a proposed use or development could
38 cause a net loss of ecological functions.
- 39 2. The County shall have the authority to require the applicant/proponent to prepare
40 special studies, assessments and analyses as necessary to identify and address

1 cumulative impacts including, but not limited to, impacts on fish and wildlife
2 habitat, public access/use, aesthetics, and other shoreline attributes.

3 3. Proponents of shoreline use and development shall take the following factors into
4 account when assessing cumulative impacts:

- 5 i. Current ecological functions and human factors influencing shoreline
6 natural processes; and
- 7 ii. Beneficial effects of any established regulatory programs under other
8 local, state, and federal laws.
- 9 iii. Mitigation measures implemented in conjunction with the proposed
10 project to avoid, reduce and/or compensate for adverse impacts.

11 4. The County shall prohibit any use or development that will result in unmitigated
12 cumulative impacts.

13 D. Regulations – Critical Areas and Shoreline Buffers

14 1. Subject to the exceptions listed below, the Critical Areas provisions of JCC
15 Chapter 18.22, dated March 17, 2008, Ordinance #03-0317-08, are incorporated by
16 reference, except that permit, nonconforming use, appeal, and enforcement
17 decisions within shoreline jurisdiction shall be governed by this Program and not
18 JCC Chapter 18.22.

19 2. In the event development or performance standards in JCC Chapter 18.22 are
20 inconsistent with standards and requirements in this Program, this Program shall
21 govern.

22 3. Development applications that are processed according to the Reasonable Economic
23 Use Variance provisions of JCC Chapter 18.22.090 shall be processed as a shoreline
24 variance according to the provisions of this Program and WAC 173-27.

25 4. Unless otherwise specified in this Program, a buffer zone shall be established
26 landward of all shorelines of the state to protect and maintain ecological functions
27 and processes and to minimize risks to human health and safety. All buffers shall be
28 maintained in a predominantly natural, undisturbed, undeveloped, and vegetated
29 condition.

30 5. **Standard Buffers and Building Setback:** As established in JCC Chapter 18.22,
31 all new uses and developments, including preferred uses and uses exempt from
32 shoreline permit requirements, shall be located landward of the standard buffer plus
33 a 5-foot-wide building setback unless otherwise specified in this Program. The
34 standard buffer shall be measured landward in a horizontal direction perpendicular
35 to the ordinary high water mark (OHWM) of the shoreline water body as follows:

- 36 i. Marine shores. Except as A minimum buffer of 150 feet shall be
37 maintained in Natural and Conservancy shoreline environments. A
38 minimum of 50 feet shall be maintained in Shoreline Residential and
39 High Intensity shoreline environments.

- ii. Lake shores. A minimum buffer of 100 feet shall be maintained in all shoreline environments.
 - iii. Stream/River shores. A minimum buffer of 150 feet shall be maintained in all shoreline environments.
6. **Multiple Buffers:** In the event that buffers for any shorelines and/or critical areas are contiguous or overlapping, the landward-most edge of all such buffers and setbacks shall apply.
7. **Buffer Condition:** The area within a required shoreline buffer shall be kept in a sufficiently vegetated condition so as to ensure it protects and maintains the existing ecological functions.
8. **Buffer Usage:** When located to avoid areas of noted sensitivity and habitat, an area shall be permitted: for “active use” within an approved buffer that does not exceed twenty (20) percent of the required buffer area; or for at least fifteen (15) linear feet of the water frontage, whichever is greater. This regulation shall not apply retroactively to existing uses.
9. **Buffer Reduction and Averaging:** Proposals that request a reduction of the standard shoreline buffer in 6.1.D.6 of this Program shall not require a shoreline variance if all of the approval criteria in Chapter 18.22.270(6) and (7) are met. All other shoreline buffer reduction or shoreline buffer averaging proposals shall require a shoreline variance.
10. **Increased Buffers:** An increase in buffer depth shall be required upon determination that the development would be:
 - i. Susceptible to and unable to prevent severe erosion resulting in adverse impacts to the shoreline; or
 - ii. Susceptible to and unable to prevent harm from a stream or river migration; or
 - iii. Susceptible to and unable to prevent harm from flooding - from sea, river/stream; or
 - iv. On steeply sloped ($\geq 25\%$) land adjacent to the ordinary high water mark.
11. **Alternative Protection via Critical Areas Stewardship Plans (CASPs):** If a proponent of a shoreline use or development proposes to modify the buffer requirement of an SMA-regulated waterbody using the CASP standards described in Article IX of JCC Chapter 18.22, such buffer modification shall require a shoreline variance. If the proposed CASP buffer modification is for a wetland or habitat conservation area that is physically separated from the SMA-regulated waterbody, no shoreline variance shall be required.

E. Regulations – Exceptions to Critical Area and Shoreline Buffer Standards

1. **Nonconforming Lots - Development Allowed without a Variance:** New single-family development on any legal lot in shoreline jurisdiction that is nonconforming

with respect to the required buffer standards shall be allowed without a shoreline variance when:

- i. The depth of the lot (distance from the ordinary high water mark to the inside edge of the frontage setback) is equal to or less than the standard shoreline buffer as indicated in 6.1.D.6; and
- ii. The building area lying landward of the shoreline buffer and interior to required sideyard setbacks is not more than twenty five hundred (2,500) square feet and the driveway is not more than eleven hundred (1,100) square feet. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; and
- iii. All single family residences approved under this section shall not extend waterward of the common-line setback as measured in accordance with 6.7.B.; and.
- iv. Appropriate measures are taken to mitigate all adverse impacts, including using low impact development measures such as pervious pavement for driveways and other hard surfaces; and
- v. Opportunities to vary the sideyard and/or frontage setbacks are implemented to reduce the nonconformity when doing so will not create a hazardous condition or a condition that is inconsistent with this Program and JCC 18.30; and.
- vi. The residence is located in the least environmentally damaging location relative to the shoreline and any critical areas; and
- vii. There is no opportunity to consolidate lots under common ownership that will alleviate the nonconformity; and
- viii. The lot is not subject to geologic hazards; and
- ix. All structures are as far landward as possible and not closer than thirty (30) feet from the ordinary high water mark; and
- x. At least eighty (80) percent of the buffer area between the structures and the shoreline and/or critical area is maintained in a naturally vegetated condition.

2. **Nonconforming Lots - Development Requiring a Variance.** Development on non-conforming lots that do not meet the of Section E.1 above require a shoreline variance

3. **Non-Conforming Lots –Common Line Setback.** Single-family residential development on non-conforming lots shall meet the buffer standards established in 6.1.D.5 except as provided in 6.1.E.1 and subsection 2 below. For the purpose of accommodating shoreline views to be adequate and similar to adjacent residences but not necessarily equivalent, setbacks and buffers for single-family residences may be reduced consistent with the following:

- i. Where there are existing legally established non-conforming residences that encroach on the established setback/buffer within fifty (300) feet of either side of the proposed residence, the Administrator may reduce the required setback/buffer for the proposed structure. In such cases, the proposed residential structure may be set back from the OHWM to a common line drawn between the nearest corners of each adjacent residence.
- ii. In those instances where only one existing non-conforming single-family residence is within fifty (300) feet of the proposed residence, the Administrator may reduce the setback/buffer of the proposed structure to a line drawn between the nearest corner of the existing adjacent residence and the nearest applicable setback for the adjacent vacant parcel.
- iii. Any further setback/buffer reduction for non-conforming lots beyond that allowed in this section shall require approval of a shoreline variance.

4. **Water-oriented Uses/Development:** When otherwise consistent with this Program and JCC Chapter 18.22, the following water-oriented uses/developments may be permitted within a shoreline buffer without a shoreline variance. The amount and extent of buffer modification shall be the minimum needed to accommodate the allowed use/development. This allowance for water-oriented uses/developments within shoreline buffers without a shoreline variance shall apply to the primary use and/or to the following accessory uses/structures:

- i. Primary uses and structures that meet the definition of a water-dependent or water-related use/development as defined in Article 2.
- ii. Boating facilities accessory to a single-family residential development including rails, docks, piers and floats;
- iii. Boathouses accessory to a single-family residential development provided that all of the following are met:
 - a. The boathouse is used to store watercraft and shall not be used as or converted to a dwelling unit. The County shall require a notice on title indicating such; and
 - b. The boathouse has a maximum footprint of 300 square feet and a maximum height of 15 feet above average grade; and
 - c. The primary doorway/entryway faces the water; and
 - d. The structure is located entirely landward of the ordinary high water mark.
- iv. Pedestrian beach access structures; and
- v. Public access structures, including but not limited to docks, piers, floats or pedestrian beach access structures accessory to commercial, industrial, port or other allowed uses/developments; and
- vi. Certain utilities and essential public facilities as specified in Article 8, Section 11.

1 2. Historic, Archeological, Cultural, Scientific and Educational Resources³

2 A. Policies

- 3 1. Historic, archaeological, cultural, scientific and educational (HACSE) sites and
4 resources should be protected, preserved, and where possible, restored. All use and
5 development on sites containing HACSE resources should be planned and carried
6 out so as to prevent adverse impacts to the resource(s).
- 7 2. To prevent adverse impacts on HACSE resources, proponents of all new shoreline
8 use and development should consult the County Department of Community
9 Development prior to beginning any project or activity.
- 10 3. Tribal, federal, state, educational institutions and local governments should
11 cooperate to maintain an inventory of all known significant local HACSE sites and
12 resources.
- 13 4. The location of historic, cultural and/or archaeological sites/resources should not be
14 disclosed to the general public, consistent with applicable state and federal laws.
- 15 5. When HACSE sites/resources occur on public lands they should be accessible to the
16 public and used for research or educational purposes consistent with the public
17 access provisions of this Program and applicable tribal access policies. Private
18 owners of HACSE sites/resources are encouraged to provide access and educational
19 opportunities when appropriate.
- 20 6. If development is proposed adjacent to an identified HACSE site/resource, then the
21 proposed development should be designed and operated so as to be compatible with
22 continued protection of the site/resource.

23 B. Regulations – General Regulations

- 24 1. Proponents of new shoreline use and development, including preferred uses and
25 uses exempt from permit requirements, shall:
 - 26 i. Preserve and protect historic, archaeological and cultural resources that
27 are recorded by the Washington State Department of Archaeology and
28 Historic Preservation and resources that are inadvertently discovered
29 during use or development activities; and
 - 30 ii. Consult the County Department of Community Development, the
31 Washington State Department of Archaeology and Historic Preservation,
32 affected tribes, and/or other appropriate agencies prior to beginning
33 development so there is ample time to assess the site and make
34 arrangements to preserve historical, cultural and archaeological
35 resources; and

³ These provisions complement and in some cases go beyond the requirements of JCC Chapter 18.30.160 and 18.15.090. Additional consolidation of regulations may be warranted. Further consultation with local, state and tribal experts is pending.

- 1 iii. Comply with all state and federal regulations pertaining to
2 archaeological sites.
- 3 2. All feasible means shall be employed to ensure that data, structures, and sites
4 having historical, archaeological, cultural, scientific, or educational significance are
5 preserved, extracted, or used in a manner commensurate with their importance.
- 6 3. Excavations for archaeological investigations or data recovery may be permitted
7 subject to the provisions of this Program.
- 8 4. The County shall prohibit any use or development that poses a threat to a HACSE
9 resource. Alternatively the County shall require the development to be postponed to
10 allow for:
 - 11 i. Coordination with potentially affected tribes and/or the State
12 Department of Archaeology and Historic Preservation; and/or
 - 13 ii. Investigation of public acquisition potential; and/or
 - 14 iii. Retrieval and preservation of significant artifacts.

15 C. Regulations – Procedural Requirements

- 16 1. When the County receives a permit application or request for a statement of
17 exemption for development on a property within 500 feet of a known or probable
18 historic, archaeological, or cultural site, the County shall:
 - 19 i. Notify and inform affected tribes and agencies such as the State
20 Department of Archeology and Historic Preservation of the proposed
21 activity including timing, location, scope, and resources affected; and
 - 22 ii. Require the applicant to provide a cultural resource site assessment prior
23 to development unless the Administrator determines that the proposed
24 development activities do not include any ground disturbing activities
25 and will not impact a known HACSE site/resource.
- 26 2. If a cultural resource site assessment identifies the presence of significant historic or
27 archaeological resources, a Cultural Resource Management Plan (CRMP) shall be
28 required. The plan shall include:
 - 29 i. An analysis of actions to be taken by the property owner, developer,
30 archaeologist, or historic preservation professional, in the event that an
31 inadvertent discovery of historic, archaeological, or cultural sites or
32 artifacts occurs during site development; and
 - 33 ii. An explanation of why the proposed activity requires a location on, or
34 access across and/or through, a significant historic or archaeological
35 resource; and
 - 36 iii. A description of the historic/archaeological resources affected by the
37 proposal; and
 - 38 iv. An assessment of the historic/archaeological resource and an analysis of
39 the potential adverse impacts as a result of the activity; and
 - 40 v. Recommended measures to prevent adverse impacts; and

- 1 vi. Comments from the Washington State Department of Archaeology and
2 Historic Preservation, and affected tribes.
- 3 3. Site assessments and CRMPs required by this section shall be prepared by a
4 professional archaeologist or historic preservation professional, as applicable. The
5 landowner or project proponent shall be responsible for any professional service
6 fees.
- 7 4. The Administrator may reject or request revision of the conclusions reached in a
8 CRMP when she/he can demonstrate that the assessment is inaccurate or does not
9 fully address the management concerns involved.
- 10 5. Where public access is provided to any private or publicly owned building or
11 structure of historic, archeological or cultural significance, a public access
12 management plan shall be developed in consultation with the Washington State
13 Department of Archaeology and Historic Preservation, affected tribes and/or other
14 agencies, to address the following:
- 15 i. The type and/or level of public access that is consistent with the long-
16 term protection of both historic resource values and shoreline ecological
17 functions and processes; and
- 18 ii. Types and location of interpretative signs, displays and other educational
19 materials; and
- 20 iii. Site- and resource-specific conditions, including hours of operation,
21 interpretive and/or directional signage, lighting, pedestrian access,
22 and/or traffic and parking.
- 23 6. If any phenomena of possible historic, archaeological and/or cultural interest are
24 inadvertently discovered during any new shoreline use or development, the
25 proponent shall immediately stop work and comply with all of the following:
- 26 i. Notify the County Department of Community Development,
27 Washington State Department of Archaeology and Historic Preservation,
28 affected tribes, and other appropriate agencies;
- 29 ii. Prepare a site assessment pursuant to this section to determine the
30 significance of the discovery and the extent of damage to the resource;
- 31 iii. Distribute the site assessment to the Washington State Department of
32 Archaeology and Historic Preservation and affected tribes for a 30-day
33 review to determine the significance of the discovery;
- 34 iv. Maintain the work stoppage until the County determines that the site is
35 considered significant by the above listed agencies or governments, or if
36 the above listed agencies or governments have failed to respond within
37 the applicable review period following receipt of the site assessment;
38 and
- 39 v. Prepare a CRMP pursuant to this section if the County determines that
40 the site is significant.

7. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve historic, archaeological and/or cultural resources, the project may be exempted from the requirement to obtain a permit. The County shall notify the State Department of Ecology, the State Attorney General's Office, potentially affected tribes, and the State Department of Archaeology and Historic Preservation of such a waiver within 30 days of such action.

3. Public Access

A. Policies

1. Providing public access to shorelines is a primary goal of the Shoreline Management Act. Jefferson County actively supports public and private efforts making better use of existing facilities/opportunities. Strategic efforts to find and fund new shoreline public access are encouraged to meet increasing demands by a growing populace. Increasing all types of public access is a priority for the County.
2. The County should prepare a comprehensive shoreline public access plan in cooperation with appropriate local, state and non-governmental agencies/organizations, and the general public.
3. The County should work with appropriate agencies and individuals to acquire lands that can provide physical access to the water for substantial numbers of people.
4. Shoreline development by public entities, such as local governments, port districts, state agencies, and public utility districts, should provide public access as part of each development project, unless such access is shown to be incompatible with the Program due to reasons of safety, security, or adverse impacts to shoreline functions and processes.
5. Shoreline development by private entities should provide public access when the development would either generate a demand for one or more forms of such access, and/or would impair existing legal access opportunities or rights.
6. Single-family residential developments with four (4) or fewer lots/units should not be required to provide public access.
7. Public health and safety concerns associated with public access sites should be adequately mitigated and appropriate precautions taken to prevent adverse impacts on shoreline ecological functions and/or processes.
8. Efforts to implement the public access provisions of this section should be consistent with all relevant constitutional and other legal limitations on regulation of private property.
9. Public access requirements on privately owned lands should be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.

- 1 10. Where feasible, providers of shoreline public access should:
- 2 i. Locate and design public access improvements in a manner that is
- 3 compatible with the natural shoreline character and avoids adverse
- 4 impacts to shoreline ecological functions and processes; and
- 5 ii. Ensure public access improvements and amenities are safe, respect
- 6 individual privacy, and avoid or minimize visual impacts from
- 7 neighboring properties; and
- 8 iii. Provide maps and orientation information to inform the public of the
- 9 presence and location of privately held tidelands, especially those
- 10 adjacent to public access and recreational areas; and
- 11 iv. Incorporate programs, signage and informational kiosks into public
- 12 access locations, where appropriate, to enhance public education and
- 13 appreciation of shoreline ecology and areas of historical or cultural
- 14 significance.

15 B. Regulations

- 16 1. Single-family residential developments consisting of four (4) or fewer residential
- 17 lots or dwelling units shall not be required to provide public access.
- 18 2. Opportunities to provide visual and/or physical public access shall be considered
- 19 during the review and conditioning of all proposed commercial and industrial
- 20 shoreline developments and residential developments involving more than four (4)
- 21 residential lots or dwelling units.
- 22 3. Physical public access shall be incorporated into all development proposals on
- 23 public lands, all public and private commercial and industrial uses /developments,
- 24 and all residential subdivisions of greater than four (4) lots unless the project
- 25 proponent demonstrates that any of the following conditions exist:
- 26 i. Unavoidable public health or safety hazards exist and cannot be
- 27 prevented through reasonable means; or
- 28 ii. The use /development has inherent security requirements that cannot be
- 29 mitigated though reasonable design measures or other solutions; or
- 30 iii. The cost of providing the access, easement or an alternative amenity is
- 31 disproportionate to the total long-term cost of the proposed
- 32 development; or
- 33 iv. The public access will cause unacceptable environmental impacts that
- 34 cannot be mitigated; or
- 35 v. The access would create significant, undue, and unavoidable conflicts
- 36 with adjacent uses that cannot be mitigated.
- 37 4. To be exempt from the public access requirements in 6.3.B.3, the project proponent
- 38 must demonstrate that all feasible alternatives have been considered, including, but
- 39 not necessarily limited to:
- 40 i. Regulating access through means such as maintaining a gate and/or
- 41 limiting hours of use; and

- 1 ii. Separating uses and activities (e.g., fences, terracing, use of one-way
2 glazing, hedges, landscaping, etc.).
- 3 5. When physical public access is deemed to be infeasible based on considerations
4 listed in 6.3.B.3, the proponent shall provide visual access to the shore or provide
5 physical access at an off-site location geographically separated from the proposed
6 use/developmental (e.g., a street end, vista, or trail system).
- 7 6. Public access shall be located and designed to be compatible with the natural
8 shoreline character, to avoid adverse impacts to shoreline ecological functions and
9 processes, and to ensure public safety.
- 10 7. When otherwise consistent with this Program, public access structures shall be
11 exempt from the shoreline buffer requirements of this Program, meaning that such
12 structures shall be allowed to encroach into the shoreline buffer when necessary to
13 provide physical and or visual access to the water's edge.
- 14 8. Public shoreline access provided by public road ends, public road rights-of-way,
15 public utilities and rights-of-way shall not be diminished by the County,
16 neighboring property owners, or other citizens, unless the property is zoned for
17 industrial uses in accordance with RCW Chapter 36.87.130.⁴
- 18 9. Public access sites shall be directly connected to the nearest public street and shall
19 include improvements that conform to the requirements of the Americans with
20 Disabilities Act (ADA) when feasible and appropriate.
- 21 10. Opportunities for boat-in public access and access to primitive shorelines not
22 accessible by automobile shall be provided where feasible and appropriate.
- 23 11. When required for public land, commercial, port or industrial use/development as
24 per 6.3.B.2 and 3 above, public access sites shall be fully developed and available
25 for public use prior to final occupancy of such use or development.
- 26 12. Public access easements and permit conditions shall be recorded on the deed of title
27 and/or the face of a short or long plat as a condition running, at a minimum, for a
28 period contemporaneous with the duration of the authorized land use. Recordation
29 shall occur at the time of final plat approval or prior to final occupancy.
- 30 13. The location of new public access sites shall be clearly identified. Signs with the
31 appropriate agency's logo shall be constructed, installed and maintained by the
32 project proponent in conspicuous locations at public access sites and/or along
33 common routes to public access sites. The signs shall indicate the public's right of
34 access, the hours of access, and other information as needed to control or limit
35 access according to conditions of approval.

⁴ RCW Chapter 36.87.130

1 4. Vegetation Conservation

2 A. Policies

- 3 1. Maintaining native shoreline vegetation is an important goal of this Program. The
4 policies and regulations of this section are intended to ensure well-vegetated, stable
5 shorelines that provide habitat and other ecological benefits and resemble natural,
6 unaltered shorelines.
- 7 2. New uses and/or developments should be designed to preserve native shoreline
8 vegetation to maintain shoreline ecological functions and processes and prevent
9 direct, indirect and/or cumulative impacts of shoreline development.
- 10 3. New uses and/or developments should establish new vegetation such that the
11 composition, structure, and density of the plant community resemble a natural,
12 unaltered shoreline as much as possible.
- 13 4. Maintaining well-vegetated shorelines is preferred over clearing vegetation to create
14 views or provide lawns. Limited and selective clearing for views and lawns may be
15 allowed when slope stability and ecological functions are not compromised, but
16 landowners should not assume that an unobstructed view of the water is guaranteed.
17 Property owners are strongly encouraged to avoid or minimize the use of fertilizers,
18 herbicides and pesticides.
- 19 5. Shoreline landowners are encouraged to preserve and enhance native woody
20 vegetation and native groundcovers to stabilize soils and provide habitat.
21 Maintaining native plant communities is preferred over non-native ornamental
22 plantings because native plants have greater ecological value. Non-native vegetation
23 that requires excessive use of fertilizers, herbicides and pesticides is discouraged.
- 24 6. Fire hazards to structures due to naturally fallen dead limbs and branches in a
25 shoreline buffer may be reduced by chipping if the chipped material is returned to
26 the original location. Fallen tree trunks may not be removed or chipped.
- 27 7. Prior to granting a shoreline permit or determining that a proposed use/
28 development is exempt from permitting, the County should evaluate site plans to
29 determine the extent to which the vegetation is conserved. As needed, the County
30 shall condition approval of new developments to ensure the following:
 - 31 i. Native plant communities on marine, river, and lake shorelines are
32 preserved; and
 - 33 ii. Overhanging trees along shorelines are kept intact to provide shading
34 and other ecological functions; and
 - 35 iii. Established areas of native plants are preserved to maintain slope
36 stability and prevent surface erosion; and
 - 37 iv. Structures and associated development are placed in areas that avoid
38 disturbance of established native plants, especially trees and shrubs; and
 - 39 v. Clearing and grading near bluff edges and other erosion- or landslide-
40 prone areas is minimized to prevent slope instability; and

- 1 vi. Shoreline development proposals incorporate provisions for removing
2 invasive or non-native species and planting native species when doing so
3 would improve ecological functions and processes.

4 B. Regulations

- 5 1. Unless otherwise specified, all shoreline use and development, including preferred
6 uses and uses exempt from permit requirements, shall comply with the buffer
7 provisions of this Program and JCC Chapter 18.22 to protect and maintain shoreline
8 vegetation.
- 9 2. Proponents of all new shoreline uses or developments shall demonstrate that site
10 designs and layouts are consistent with the policies of this section. A shoreline
11 permit or written statement of exemption shall not mandate, nor guarantee,
12 unobstructed horizontal or lateral visibility of the water, shoreline or any specific
13 feature near or far.
- 14 3. View Maintenance
- 15 i. Pruning and Trimming: Proponents of all new shoreline uses or developments
16 shall use innovative techniques where feasible to maintain existing native
17 shoreline vegetation. Techniques shall include selective pruning, windowing
18 and other measures that preserve native plant composition and structure. No
19 more than twenty-five (25) percent of a tree's leaf bearing crown may be
20 removed and no more than twenty-five (25) percent of the canopy cover in
21 any single stand of trees may be removed for view preservation. Limbing or
22 crown thinning shall comply with National Arborist Association pruning
23 standards, unless the tree is a hazard tree as defined by the Program.
- 24 ii. Tree Removal: All proposals for tree removal within the buffer area must
25 comply with Article 6.D.8. In no instance shall tree removal exceed twenty
26 (20) percent of the required buffer area; or for at least fifteen (15) linear feet
27 of the water frontage, whichever is greater.
- 28 4. Proponents of all new shoreline uses or developments shall maintain existing native
29 shoreline vegetation to the maximum extent practicable, except that the following
30 activities shall be exempt from this requirement:
- 31 i. Existing and ongoing agricultural activities on agricultural lands
32 enrolled in the open space tax program for agriculture or on lands
33 designated as agricultural lands of long-term commercial significance on
34 the official map of Comprehensive Plan land use designations;
35 ii. Buffer enhancement by removal of noxious weeds and/or planting native
36 vegetation;
37 iii. Maintenance trimming of vegetation with supporting structures less than
38 three (3) inches in diameter;
39 iv. Maintenance of existing residential landscaping pursuant to JCC Chapter
40 18.22.070(13);
41

- v. Construction of trails for non-motorized use, provided the trail is no wider than five (5) feet and the tree/vegetation removal is limited to five (5) feet on either side of the trail except where an arborist report indicates that additional tree removal is required for safety reasons;
- vi. Harvest of wild crops that does not significantly affect the viability of the wild crop, or adversely affect shoreline functions of the area;
- vii. Removal of a hazard tree, as defined in Article 2, where limbing or crown thinning is not sufficient to address the hazard. In such cases, the tree shall be pushed to provide wildlife habitat and enhance in-stream or marine habitat if present.

- 5. The County may impose conditions on new shoreline use and/or development as needed to prevent the introduction and spread of aquatic weeds. Aquatic weed removal and disposal shall occur in a manner that minimizes and mitigates adverse impacts to native plant communities and shoreline ecological functions.
- 6. When restoring or enhancing shoreline vegetation, proponents shall use native species approved by the County that are of a similar diversity and type to that occurring in the general vicinity of the site prior to any shoreline alteration. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time.
- 7. The vegetation conservation regulations of this Program do not apply to commercial forest practices as defined by Article 2 when such activities are covered under the Washington State Forest Practices Act (RCW 76.09). Where such activities are associated with a conversion of forest lands to other uses or other forest practice activities, the vegetation conservation requirements shall apply.
- 8. Vegetation conservation standards shall not apply retroactively to existing uses and developments, although property owners are strongly encouraged to voluntarily improve shoreline vegetation conditions over the long term.

5. Water Quality and Quantity

A. Policies

- 1. The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and ground water over the long term.
- 2. Shoreline use and development should minimize, through effective education, site planning and maintenance, the need for chemical fertilizers, pesticides, herbicides or other similar chemical treatments that could contaminate surface or ground water or cause adverse effects on shoreline ecological functions and values.

3. Appropriate buffers along all wetlands, streams, lakes, and marine water bodies should be provided and maintained in a manner that avoids the need for chemical treatment.
4. Potential adverse effects of agricultural activities on water quality should be minimized by implementing best management practices, buffers and other appropriate measures.
5. Effective erosion control and water-runoff treatment methods should be provided for all shoreline development and use in accordance with JCC Chapter 18.30.070.

B. Regulations

1. All shoreline uses and activities shall use effective erosion control methods during both project construction and operation. At a minimum, effective erosion control methods shall require compliance with the current edition of the Department of Ecology's Stormwater Management Manual, NPDES General Permit requirements, and the Stormwater Management provisions of JCC Chapter 18.30.070.
2. To avoid water quality degradation by malfunctioning or failing septic systems located within shoreline jurisdiction, on-site sewage systems shall be located and designed to meet all applicable water quality, utility, and health standards.
3. All materials that may come in contact with water shall be composed of non-toxic materials, such as wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenate or pentachlorophenol is prohibited in shoreline water bodies.
4. Solid and liquid wastes and untreated effluents shall not be allowed to enter any ground water or surface water or to be discharged onto land. The release of oil, chemicals, genetically modified organisms or hazardous materials onto land or into the water is prohibited.

6. Shoreline Setbacks and Height

A. Policies

Standards for density, setbacks, height, and other provisions should ensure no net loss of shoreline ecological functions and/or processes and preserve the existing character of the shoreline consistent with the purpose of the applicable Shoreline Environment Designation.2. Proponents of a development on no-bank or low bank marine shorelines are encouraged to ensure that the bottom of a structures foundation be higher than expected future sea-level rise.

1 B. Regulations

- 2 1. A building setback of five (5) feet shall be established on the landward edge of the
3 shoreline buffers required by this Program.
- 4 2. Sideyard setbacks shall be measured from all property lines that intersect the
5 shoreline side of a lot or tract. Five (5) feet of the total required sideyard setbacks
6 may be provided on one side and the balance on the other side.
- 7 3. Pursuant to RCW 90.58.320, no permit may be issued for any new or expanded
8 building or structure more than thirty-five (35) feet above average grade level when
9 such a height will obstruct the view of a substantial number of residences on or
10 adjoining such shorelines. Height is measured according to the definition in Article
11 2. The project proponent shall be responsible for providing sufficient information to
12 the Administrator to determine that such development will not obstruct views as
13 described.
- 14 4. Power poles and transmission towers associated with allowed uses and
15 developments are not subject to height limits but shall not be higher than necessary
16 to achieve the intended purpose.

ARTICLE 7 – SHORELINE MODIFICATIONS POLICIES AND REGULATIONS

The policies and regulations in this Article apply to all types of shoreline modification, with specific standards defined for each shoreline environment. They are not listed in order of priority. These policies and regulations:

- Help to implement the Master Program goals in Article 3; and
- Are informed by the guiding principles in Article 1; and
- Work in concert with all the other policies and regulations contained in this Program; and
- Are based on the state shoreline guidelines (WAC 173-26).

1. Beach Access Structures

A. Policies

1. Beach access structures, as defined in Article 2, should be located, designed and maintained in a manner that minimizes significant adverse effects on shoreline ecology.
2. Jefferson County recognizes a balance has to be found between enabling pedestrian access to beach areas and protecting fragile shoreline ecosystems.
3. Neighboring property owners are encouraged to combine resources to collectively propose beach access structures in appropriate locations for shared use.
4. Beach access structures should not be permitted until and unless their significant adverse effects on stream, lake or marine shoreline functions and processes, including any significant adverse effects on adjoining lands and properties, are fully evaluated and mitigated. All proposals for structures that link upland areas with adjacent beaches shall be carefully evaluated by the criteria and regulations in this section.
5. Beach access structures may not be appropriate in some areas because of safety hazards or sensitive ecological conditions. The County should not permit these structures in areas where there are significant expected risks to human health and safety or significant adverse effects on shoreline functions and processes. Some properties will have view-only access to the neighboring waters. Beach access structures are prohibited from marine feeder bluffs.
6. Beach access structures should conform to the existing topography, minimize adverse impacts on shoreline aesthetics, and minimize clearing and grading to the maximum extent feasible.
7. Beach access structures should not be allowed if there is a reasonable likelihood that they will require structural protection or armoring in the future.

8. Beach access structures that require the least amount of clearing, grading, excavation, or other forms of shoreline alteration shall be preferred over structures that require substantial bank or slope modification.
9. Beach access structures shall only be allowed where it provides access to a publicly owned beach or the same party owns both the uplands and adjoining tidelands or an easement is granted by the tideland owner to the upland owner for access.

B. Shoreline Environment Regulations

1. Priority Aquatic: Beach access structures are allowed provided they are allowed in the adjoining upland designation.
2. Aquatic: Beach access structures are allowed provided they are allowed in the adjoining upland designation.
3. Natural: Public beach access structures are allowed provided they are consistent with policies and regulations of this Program. Private beach access structures accessory to single-family residential development shall require a conditional use permit.
4. Conservancy: Beach access structures are allowed provided they are consistent the provisions of this Program.
5. Shoreline Residential: Beach access structures are allowed provided they are consistent the provisions of this Program.
6. High Intensity: Beach access structures are allowed provided they are consistent the provisions of this Program.

C. Regulations

1. Beach access structures may be permitted only when consistent with the provisions of this Program.
2. Public beach access structures shall be subject to this section and Article 6 section 3 (Public Access) of this Program.
3. When permitted, beach access structures shall be located, designed and operated to avoid critical areas and prevent a net loss of shoreline ecological functions or processes, including, but not limited to:
 - i. Habitat;
 - ii. Slope stability;
 - iii. Sediment transport; and
 - iv. Water quality.
4. The County shall have the authority to require specific design standards based on the configuration of the site including existing topography, vegetation, soils, drainage and other factors.

5. When allowed, beach access structures may be located within the shoreline buffer, provided that:
 - i. The width of any walkway, staircase, tower or tram shall not exceed five (5) feet; and
 - ii. The structure shall not extend more than twelve (12) vertical feet above the bank or slope; and
 - iii. There is no other available public beach access within three hundred (500) feet of the proposed access site.
6. No portion of a beach access structure shall be constructed waterward of the ordinary high water mark unless there is no other feasible alternative.
7. When in-water or over-water construction is allowed in accordance with this section it shall be limited to a small pier or pile-supported pedestrian landing platform of twenty-five (25) square feet or less that is otherwise consistent with the provisions of this Program.
8. New residential subdivisions of more than four (4) units or lots shall include a restriction on the face of the plat prohibiting individual beach access structures. Shared access structures may be permitted in these subdivisions when consistent with the provisions of this Program.
9. Existing lawfully constructed nonconforming beach access structures may be repaired or replaced in kind as a nonconforming use as consistent with other provisions of this Program.
10. Beach access structures shall be prohibited if any of the following apply:
 - i. The structure would adversely impact a critical area or marine feeder bluff, or increase landslide or erosion hazards; or
 - ii. The structure is likely to interfere with natural erosion and accretion processes; or
 - iii. The bank slope where the structure is placed is likely to require shoreline stabilization/shoreline defense works in the future
 - iv. Substantial bank or slope modification is required.
11. Prior to approving a permit for a beach access structure, the County shall require the project proponent to demonstrate that the project is consistent with the Program. Information to be provided by the proponent will include, but not be limited to:
 - i. Existing conditions at the site related to erosion, slope stability, drainage, vegetation, and coastal processes; and
 - ii. Probable effects of the access structure on the stability of the site over time; and
 - iii. Potential effects of the access structure on shoreline processes such as net-shoreline drift, sediment transport, mass wasting, and erosion; and

- iv. Methods for maintaining the structure over time that will preclude the need for a bulkhead or other type of stabilization in the future; and
 - v. Potential effects on fish and wildlife habitats and other shoreline ecological functions; and
 - vi. Measures needed to ensure/maintain slope stability, maintain coastal processes, and prevent erosion in the long term.
12. The County may require proposals for pedestrian beach access structures to include geotechnical analysis prepared by a licensed professional engineer or geologist and/or biological analysis prepared by a qualified biologist.

2. Boating Facilities: Boat Launches, Docks, Piers, Floats, Lifts, Marinas, and Mooring Buoys

A. Policies

1. Boating facilities as defined in Article 2 should be located, designed and operated with appropriate mitigation to avoid adverse effects on shoreline functions and processes and prevent conflicts with other allowed uses.
2. Boating facilities should not be located or expanded where they would:
 - i. Impact critical habitats; or
 - ii. Substantially interfere with currents and/or net-shoreline drift; or
 - iii. Cause significant adverse effects on aquatic habitat, biological functions, water quality, aesthetics, navigation, and/or neighboring uses.
3. Docks and piers should not be allowed where shallow depths require excessive overwater length.
4. The County should protect the natural character of the shoreline and prevent adverse ecological impacts caused by overwater structures by limiting the number of new docks/piers/floats and by controlling how and where they are designed and constructed.
5. To prevent the impacts associated with private docks, piers, floats, lifts and launch ramps and rails accessory to residential development;
 - i. Mooring buoys are generally preferred over docks, piers or floats; and
 - ii. Shared docks/piers/floats serving multiple properties are preferred over single-user docks/piers/floats serving a single property or parcel.
 - iii. Public boat launches are preferred over private launch facilities. Rail and track launch systems are preferred over ramps.
6. Boating facilities associated with commercial, industrial, or port uses, residential subdivisions and multifamily housing should include public access and contribute to the public's ability to view, touch, and travel on the waters of the state in accordance with Article 6 section 3 (Public Access) of this Program.

7. The County should identify areas that are suitable for development and/or expansion of marinas and public boat launches and prevent them from being developed with non-water-dependent uses having less stringent site requirements. This should be accomplished in a timely manner.
8. Development of new marinas and public boat launch facilities should be coordinated with public access and recreation plans and should be co-located with port or other compatible water-dependent uses where feasible. Affected parties and potential partners should be included in the planning process.
9. When reviewing proposals for new or expanded marinas and public boat launches, the County should seek comment from public recreation providers, adjacent cities/counties, port districts, Washington State Parks, and the Washington State Departments of Ecology, Fish and Wildlife, Health, and Natural Resources, to ensure that local as well as regional recreation needs are addressed.
10. The County should support the use of innovative and effective methods for protecting, enhancing, and restoring shoreline ecological functions and processes during the design, development and operation of new or expanded boating facilities. Such methods may include public facility and resource planning, education, voluntary protection and enhancement projects, and incentive programs.
11. The installation and use of mooring buoys in marine waters shall be consistent with all applicable state laws, including state Department of Natural Resources and Department of Health standards. Before issuing a permit for a mooring buoy adjacent to an existing aquaculture farm or facility, the County shall review the number and spacing of existing mooring buoys to ensure the cumulative effect will not jeopardize the health certification of the aquaculture farm or facility.
12. When reviewing the design of private boat launches, rail and track systems shall be preferred over concrete ramps or similar facilities.
13. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited.

B. Shoreline Environment Regulations

1. Priority Aquatic:
 - i. Boat launches serving water-dependent commercial, industrial, port or other primary uses may be permitted if the primary use is permitted in the adjacent upland shoreline environment subject to the provisions of this Program.
 - ii. Docks, piers, floats and lifts serving water-dependent commercial, industrial, port or other primary uses are allowed subject to policies and regulations of this Program if the primary use is permitted in the adjacent upland shoreline environment.
-

- iii. Single-user docks, piers, floats, lifts and boat launches accessory to residential or private recreational development are prohibited. Shared docks, piers and floats accessory to residential or private recreational development may be permitted.
- iv. Marinas are prohibited.
- v. Mooring buoys are allowed subject to policies and regulations of this Program .

2. Aquatic:

- i. Public and private boat launches are allowed subject to policies and regulations of the Program if allowed in the adjacent upland shoreline environment.
- ii. Docks, piers floats, and lifts are allowed if allowed in the adjacent upland shoreline environment.
- iii. Marinas are allowed subject to policies and regulations of the Program if allowed in the adjacent upland shoreline environment.
- iv. Mooring buoys are allowed subject to policies and regulations of the Program if allowed in the adjacent upland shoreline environment.

3. Natural:

- i. Boat Launches are allowed subject to policies and regulations of the Program.
- ii. A public dock, pier or float for recreational use may be allowed with a conditional use permit.
- iii. Mooring buoys that are accessory to a water-dependent uses such as aquaculture are allowed.
- iv. All other boating facilities, including boating facilities accessory to residential development, are prohibited.

4. Conservancy:

- i. Boat launches are allowed subject to policies and regulations of the Program.
- ii. Docks, piers, floats and lifts are allowed subject to policies and regulations of the Program.
- iii. Marinas may be permitted as a conditional use.
- iv. Mooring buoys are allowed subject to policies and regulations of the Program.

5. Shoreline Residential:

- i. Boat launches are allowed subject to policies and regulations of the Program.
- ii. Docks, piers, floats and lifts are allowed subject to policies and regulations of the Program.
- iii. Marinas may be permitted as a conditional use.

- iv. Mooring buoys are allowed subject to policies and regulations of the Program.
6. High Intensity: All boating facilities are allowed subject to policies and regulations of this Program.

C. Regulations – Boat Launches

1. Boat launches may be permitted when they are located, designed and constructed in a manner that minimizes adverse impacts on coastal or fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation, and/or neighboring uses.
2. When permitted, boat launches shall be located in areas where there is adequate water mixing and flushing action, and shall be designed so as not to retard or reduce flushing characteristics.
3. Boat launches on river shores shall be located downstream of accretion shoreforms, or on stable banks where no or minimal current deflections will be necessary.
4. Boat launches shall be designed so that existing or potential public access along beaches is not blocked or made unsafe, and so that public use of the surface waters is not unduly impaired.
5. Public boat launches shall provide adequate restroom and sewage and solid waste disposal facilities in compliance with applicable health regulations.
6. Public boat launches shall be developed and maintained to support waterfront access for watercraft. In those limited instances where separate or associated uses are permitted, other than restrooms and/or sewer/septic facilities, only uses that are water-dependent and/or afford public access uses shall be approved.
7. When overwater development is proposed in association with a public boat launch facility, it may be permitted only where such use requires direct water access, and/or where such facilities will significantly increase public opportunities for water access.
8. Public boat launches shall be located and designed to prevent traffic hazards and minimize traffic impacts on nearby access streets.
9. Public boat launch sites shall include parking spaces for boat trailers commensurate with projected demand and shall comply with the Transportation provisions of this Program.
10. Private boat launches shall be allowed only when public boat launches are unavailable within two miles.
11. No more than one private boat launch facility or structure shall be permitted on a single parcel or residential lot.

1 D. Regulations – Docks, Piers and Floats –

- 2 1. Docks, piers and floats, as defined in Article 2, should only be allowed when
3 ecological impacts are mitigated in accordance with the Program, and the
4 dock/pier/float accommodates a water-dependent use.
- 5 2. New docks, piers and floats shall be designed and constructed to avoid or, if that
6 is not possible, to minimize the impacts to nearshore habitats and processes.
- 7 3. The length, width and height of non-residential docks, piers and floats shall be no
8 greater than that required for safety and practicality for the primary use.
- 9 4. To minimize adverse effects on nearshore habitats and species caused by
10 overwater structures that reduce ambient light levels, the following shall apply:
- 11 i. The width of docks, piers and floats shall be the minimum necessary.
12 Materials that will allow light to pass through the deck may be required
13 where width exceeds four (4) feet; and
- 14 ii. Grating to allow light passage or reflective panels to increase light
15 refraction shall be used on walkways or gangplanks in nearshore areas.
- 16 5. Docks, piers and floats shall be spaced and oriented to shoreline in a manner that
17 avoids or minimizes:
- 18 i. Hazards and obstructions to navigation, fishing, swimming and pleasure
19 boating; and
- 20 ii. Shading of beach substrate below; and
- 21 iii. Any ‘wall’ effect that would block or baffle wave patterns, currents,
22 littoral drift, or movement of aquatic life forms.
- 23 6. Fill waterward of OHWM shall be limited to the minimum necessary to match the
24 upland with the elevation of the non-residential dock or pier when consistent with
25 Article 7 section 4 (Filling and Excavation) of this Program.
- 26 7. Dredging shall be limited to the minimum necessary to allow boat access to a
27 dock or pier when consistent with Article 7 section 3 (Dredging) of this Program.
28 Docks and piers shall be designed to avoid the need for maintenance dredging.
29 The moorage of a boat larger than provided for in original moorage design shall
30 not be grounds for approval of dredging.
- 31 8. Covered moorage associated with docks, piers, and floats shall be prohibited.
- 32 9. In-water fixed platform structures supported by piles that do not abut the shoreline
33 shall be prohibited.
- 34 10. If allowed under this Program, no more than one (1) dock/pier and one (1) float
35 and one (1) boat/ski lift may be permitted on a single lot owned for residential use
36 or private recreational use
- 37 11. Floats accessory to residential use shall not exceed two hundred (200) square feet
38 in area.

12. Floats shall only be used where there is sufficient water depth to prevent grounding at low tide. The County may require the use of stoppers or other measures to ensure compliance with this standard.
13. Residential developments with more than four (4) lots or dwelling units may be granted permits for community docks that are shared by at least one other owner. No more than one (1) dock/pier or float may be permitted for each three (3) adjoining waterfront lots, with necessary access easements to be recorded at the time of permitting. Single-user docks, piers and floats for individual residential lots may be permitted in existing subdivisions approved on or before January 28, 1993, only where a shared facility has not already been developed. Prior to development of a new single-user dock/pier/float for a single residential lot, the applicant shall demonstrate that:
 - i. Existing facilities in the vicinity, including marinas and shared moorage, are not adequate or feasible for use; and
 - ii. On marine shorelines alternative moorage, such as one or more mooring buoys or a buoy in combination with a small dock sized to accommodate a tender vessel, are not adequate or feasible.
14. Single-user docks/piers/floats shall not be located within side yard setbacks for residential development (both onshore and offshore); provided that a shared dock/pier may be located adjacent to or upon a shared side property line upon filing of an agreement by the affected property owners.
15. No single-user or shared dock/pier/float may be constructed to within two hundred (200) feet of OHWM on the opposite shoreline of any lake or semi-enclosed body of water such as a bay, cove, or natural channel.
16. Boating facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night. Exterior finish shall be generally non-reflective.
17. Storage of fuel, oils, and other toxic materials is prohibited on residential docks, piers and floats except in portable containers that have secondary containment.

E. Regulations – Marinas

1. Marinas may be permitted on marine and river shorelines when they are consistent with this Program and when the proponent demonstrates to the County's satisfaction that all of the following conditions are met:
 - i. The proposed location is the least environmentally damaging alternative; and
 - ii. Potential adverse impacts on shoreline processes and ecological functions are mitigated to achieve no net loss; and
 - iii. The area has adequate water circulation and flushing action; and

- 1 iv. The proposed location will not require dredging or excavation/filling of
2 wetlands; and
3 v. Suitable public infrastructure is available or can be made available to
4 support the marina.
- 5 2. Marinas shall be prohibited in all of the following locations:
- 6 i. Lake shores; and
7 ii. River point and channel bars or other accretional beaches; and
8 iii. Areas of active channel migration; and
9 iv. Where a flood hazard will be created or exacerbated.
10 v. Shorelines with a Priority Aquatic environmental designation.
- 11
- 12 3. Where marinas are permitted they shall be designed, constructed and operated
13 according to the following:
- 14 i. Open pile or floating breakwater designs shall be used unless the
15 proponent demonstrates that there are specific safety considerations
16 that warrant alternative approaches or unless rip-rap or other solid
17 construction is shown to have fewer impacts on shoreline ecology over
18 the short and long term.
19 ii. Shoreline armoring shall be limited to the minimum necessary to
20 protect marina infrastructure and shall consist of softshore bio-
21 stabilization unless such stabilization is demonstrated by a
22 geotechnical analysis to be infeasible or inadequate to protect the site.
23 iii. Floating structures shall be designed to prevent grounding on
24 tidelands. Floats shall only be used where there is sufficient water
25 depth to prevent grounding at low tide. The County may require the
26 use of stoppers or other measures to ensure compliance with this
27 standard.
28 iv. Piers and other structures shall be located, sized and designed to
29 minimize shading of nearshore aquatic habitats and species.
30 v. Solid structures shall be designed to provide fish passage through and
31 along the shallow water fringe.
32 vi. Floating piers shall be required in rivers unless the proponent can
33 demonstrate that fixed piers will cause substantially less impact on
34 geo-hydraulic processes.
35 vii. Marinas shall be sited to prevent restrictions in the use of commercial
36 and recreational shellfish beds and in compliance with Washington
37 Department of Health "Environmental Health Guidelines for Marina
38 Development and Operation."
39 viii. Marina development shall generally be required to include public
40 access amenities. Consistent with Article 6 section 3 (Public Access)
41 of this Program, public access siting and design shall be determined
42 based on what is appropriate to a given location and the needs/desires
43 of the surrounding community. Public access shall be designed to be
-

- environmentally sound, aesthetically compatible with adjacent uses, and safe for users.
- ix. Live-aboard vessels may occupy up to twenty (20) percent of the slips at a marina. Marinas that accommodate live-aboards shall provide and maintain adequate facilities and programs to address waste disposal and sanitary disposal.
 - x. New or expanded marina development may include fill waterward of the ordinary high water mark only when necessary for the water-dependent portions of the marina facility. Such fill activities shall conform to Article 7 section 4 (Filling and Excavation) of this Program and this section. Filling solely for the creation of marina parking areas shall be prohibited.
 - xi. If new or expanded marina facilities adversely affect net shoreline drift or other coastal processes to the detriment of nearby beaches or habitats, the County may require the marina operator to replenish the substrate in these areas periodically or take other measures to offset adverse impacts.
4. New or expanded development appurtenant to marinas shall be designed and constructed to avoid and, where avoidance is not possible, minimize impacts on shoreline functions and processes. Facilities shall be clustered and located in the least environmentally damaging portion of the site to reduce clearing and grading impacts.
5. To meet the regulations in 7.2.F.4 above, the following standards shall apply to new or expanded development appurtenant to marinas:
- i. Accessory uses at marinas shall be limited to water-oriented uses and uses that provide physical or visual shoreline access for substantial numbers of the general public. Accessory development includes, but is not limited to, parking, open air storage, waste storage and treatment, stormwater management facilities, utility and upland transportation development.
 - ii. Water-oriented accessory uses reasonably related to marina operation may be located over water or near the water's edge by conditional use permit if an overwater or water's-edge location is essential to the operation of the use and if opportunities are provided for substantial numbers of people to access the shoreline.
 - iii. Parking shall be located away from the water's edge and landward of shoreline buffers prescribed by this Program unless no feasible alternative location exists.
 - iv. Parking areas shall meet County stormwater management standards and shall, where feasible, incorporate low impact development practices such as pervious surfaces and bioswales.
 - v. Dry moorage and other storage areas shall be landscaped with native vegetation to provide a visual and noise buffer for adjoining uses.

- vi. Pump-out, holding, and/or waste treatment facilities and services shall be provided at all marinas. Pump-out facilities shall be conveniently located and sited to ensure easy access, prevent lengthy queues and allow full compliance with waste disposal regulations. Vessel-mounted pump-out services and hard-plumbed stations at each slip shall be preferred over portable pump-out equipment.
- vii. Marinas shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations. Restrooms shall be available twenty-four (24) hours a day for use by any patron of the marina facility; the need for restrooms shall be determined based on the number of slips and percentage of live-aboard vessels within the marina.
- viii. Garbage and recycling receptacles shall be provided and maintained by the marina operator at several locations convenient to users.
- ix. Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, fuel, and oil or toxic materials where all users may easily read them.
- x. Boat washing facilities shall be provided to minimize transfer of invasive aquatic species between water bodies.
6. When reviewing proposals for new or expanded marina facilities, the County shall require the proponent to prepare and implement appropriate technical studies and plans that are not already required via another regulatory review process. Examples of studies and plans that may be required include, but are not limited to:
- i. A Maintenance Plan for maintaining pump-out and waste/sewage disposal facilities and services.
 - ii. A Spill Response Plan for oil and other spilled products. Compliance with federal or state law may fulfill this requirement.
 - iii. An Operational Plan that, at a minimum, describes procedures for fuel handling and storage; measures, including signage, for informing marina users of applicable regulations; measures for collecting garbage and recyclables; measures and equipment for ensuring public safety.
 - iv. A visual assessment of views from surrounding residential properties, public viewpoints, and the view of the shoreline from the water surface.
 - v. An assessment of existing water-dependent uses in the vicinity including but not limited to, navigation, fishing, shellfish production and harvest, swimming, beach walking, and picnicking and shall document potential impacts and mitigating measures. The County shall evaluate impacts on these resources and impose specific conditions to mitigate impacts as necessary.

F. Regulations – Mooring Buoys

1. Mooring buoys may be permitted provided that they are consistent with this Program and:

- i. They do not impede the ability of other landowners to access private property; and
 - ii. They do not pose a hazard to or obstruct navigation or fishing; and
 - iii. They do not contribute to water quality or habitat degradation; and
 - iv. They do not pose a threat to shellfish beds
2. Moring buoys shall not be used for residential purposes (living on the boat).
3. Mooring buoys shall be located to:
 - i. Avoid eelgrass beds and other valuable aquatic and nearshore habitat areas; and
 - ii. Prevent obstruction to navigation.
4. Mooring buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other state-approved designs that have minimal adverse effects on aquatic ecosystem and fish.
5. Mooring buoys shall not be allowed on lake shorelines of the state.
6. Mooring buoys shall be clearly marked and labeled with the owner's name and contact information and permit number(s).
7. The County shall plan for and coordinate with other agencies to control the placement and number of mooring buoys within bays and other areas to protect water quality and/or habitat and ensure that transit channels are maintained. Under no circumstances shall mooring buoy density exceed four (4) buoys per acre.

3. Dredging

A. Policies

1. Dredging, as defined in Article 2, and disposal of dredge material should only be allowed when alternatives are infeasible and when the dredging/dredge disposal is:
 - i. Necessary to support an existing legal use or a proposed water-dependent use or essential public infrastructure/facility; or
 - ii. Part of a clean-up program required under the Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act; or
 - iii. Part of an approved ecological restoration or enhancement project; or
 - iv. Part of an approved beach nourishment project; or
 - v. Required to provide public access for a substantial number of people; or
 - vi. Required to provide water-oriented public recreation for a substantial number of people.
2. When required to support an allowed use or development, dredging/dredge disposal should be the minimum needed to accommodate the allowed use or development for a reasonably foreseeable period of time.

3. When allowed, dredging and disposal operations should be planned, timed and implemented to minimize:
 - i. Adverse impacts to shoreline ecology; and
 - ii. Adverse impacts to in-water and adjacent upland uses; and
 - iii. Interference with navigation.
4. Dredging and dredge disposal should be consistent and coordinated with appropriate local, state and federal regulations to minimize duplication during the review process.
5. Dredging and dredge disposal should not occur where they would interfere with existing or potential ecological restoration activities.
6. Dredging and dredge disposal should occur where they will provide ecological benefits.

B. Shoreline Environment Regulations

1. Priority Aquatic: Dredging and dredge disposal may be permitted subject to a conditional use permit if allowed in the adjacent upland environment.
2. Aquatic: Dredging and dredge disposal may be permitted subject to a conditional use permit if allowed in the adjacent upland environment.
3. Natural: Dredging and dredge disposal are prohibited except dredging and dredge disposal may be permitted as an essential element of an approved shoreline restoration project/program.
4. Conservancy: Dredging and dredge disposal may be permitted subject to a conditional use permit.
5. Shoreline Residential: Dredging and dredge disposal may be permitted subject to a conditional use permit.
6. High Intensity: Dredging may be permitted subject to the policies and regulations of this Program. Dredge disposal may be allowed with a conditional use permit.

C. Regulations – Dredging

1. Proponents of new development shall locate and design such development to avoid or, if avoidance is not possible, to minimize the need for new dredging and maintenance dredging.
2. The County may permit dredging only when the project proponent demonstrates the activity is consistent with this Program and that there are no feasible alternatives to dredging.
3. Dredging shall only be allowed when necessary to support the following uses and developments:
 - i. Approved harbors, marinas, ports, and water-dependent industries;

- ii. Development or maintenance of essential public infrastructure and facilities;
 - iii. Environmental clean-up activities required by the Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act;
 - iv. Underground utility installation requiring trenches when boring, directional drilling, and other installation methods are not feasible;
 - v. Maintenance dredging for the purpose of restoring a lawfully established use or development;
 - vi. Maintenance dredging for the purpose of restoring previously permitted or authorized hydraulic capacity of a stream or river;
 - vii. Maintenance of existing irrigation reservoirs, drains, canals, or ditches;
 - viii. Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure the safety and efficiency of existing navigational uses;
 - ix. Ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat; or
 - x. Public access and public water-oriented recreational developments/uses, including construction of public piers and docks that benefit substantial numbers of people.
4. The County may permit dredging for flood management purposes only when the project proponent demonstrates that:
 - i. The dredging is a required component of a County-approved comprehensive flood management plan, or
 - ii. The dredging has a long-term benefit to public health and safety and will not cause a net loss of ecological functions and processes.
5. When conducting reviews of dredging proposals, the County shall first consider how the proposed activity has been regulated by other agencies, note same as a reference, and then establish what further information is needed for local review. The County may require information to ensure:
 - i. The project is designed, located, and timed to mitigate impacts on legally established neighboring uses and developments; and
 - ii. Appropriate measures are taken to ensure the activity will not interfere with fishing or shellfishing; and
 - iii. Appropriate measures are taken to minimize adverse effects on recreation, public access, and navigation; and
 - iv. The activity shall not adversely impact natural processes such as channel migration, marine bluff erosion and/or net-shoreline drift; and
 - v. Appropriate best management practices are employed to prevent water quality impacts or other forms of environmental degradation; and
 - vi. Upstream and upgradient sediment sources that create the need for dredging have been investigated and where feasible, mitigated; and

- vii. Appropriate measures are employed to protect public safety and prevent adverse impacts on other approved shoreline uses; and
 - viii. The proposed activity complies with applicable federal, state, and other local regulations.
6. Dredging for the primary purpose of obtaining material for landfill, upland construction, or beach nourishment shall be prohibited.

D. Regulations – Dredge Disposal

1. The County may permit disposal of dredge material only when the project proponent demonstrates the activity is consistent with this Program and that there are no feasible alternatives to dredge disposal.
2. When dredge material is deposited on land it shall be considered fill and subject to all applicable fill regulations.
3. All unconfined, open water dredge disposal activities shall comply with the Puget Sound Dredged Disposal Analysis (PSDDA) criteria and guidelines and other applicable local, state and federal regulations.
4. When consistent with this Program, disposal of dredged materials in water areas other than PSDDA sites may only be allowed for the following reasons:
 - i. To restore or enhance habitat; or
 - ii. To reestablish substrates for fish and shellfish resources; or
 - iii. To nourish beaches that are starved for sediment; or
 - iv. To remediate contaminated sediments.
5. Proposals for dredged material disposal shall be evaluated for their potential to cause adverse environmental impacts. Dredged material disposal shall be permitted only when the proponent demonstrates all of the following:
 - i. The proposed action will not cause significant and/or ongoing damage to water quality, fish, shellfish and/or other biological resources; and
 - ii. The proposed action will not adversely alter natural drainage, water circulation, sediment transport, currents, or tidal flows or significantly reduce floodwater storage capacities; and
 - iii. The proposed action includes all feasible mitigation measures to protect marine, estuarine, freshwater and terrestrial species and habitats.

4. Filling and Excavation

A. Policies

1. Filling, as defined in Article 2, should only be allowed waterward of the ordinary high water mark when alternatives are infeasible and when the filling is:
 - i. Necessary to support an approved water-dependent use or essential public infrastructure/facility; or

- ii. Part of an approved ecological restoration or enhancement project; or
 - iii. Part of an approved aquaculture operation when the fill is required to improve production; or
 - iv. Part of an approved beach nourishment project; or
 - v. Required to provide public access for a substantial number of people; or
 - vi. Required to provide water-oriented public recreation for a substantial number of people.
2. Filling and excavation should not be allowed where structural shoreline stabilization would be required to maintain the materials placed or excavated.
3. When allowed, filling and excavation should be conducted so that water quality, habitat, hydrology, natural erosion rates, and runoff/drainage patterns are not adversely affected.

B. Shoreline Environment Regulations

1. Priority Aquatic: Filling may be permitted subject to a conditional use permit if allowed in the adjacent upland environment.
2. Aquatic: Filling may be permitted subject to a conditional use permit if allowed in the adjacent upland environment.
3. Natural: Filling and excavation is prohibited, except filling and excavation may be permitted as an essential element of an approved shoreline restoration project/program.
4. Conservancy: Filling and excavation may be permitted subject to the policies and regulations of this Program and a conditional use permit.
5. Shoreline Residential: Filling and excavation may be permitted subject to the policies and regulations of this Program.
6. High Intensity: Filling and excavation may be permitted subject to the policies and regulations of this Program.

C. Regulations

1. Filling and/or excavation shall only be allowed as part of an approved shoreline use and/or development activity and shall be subject to the requirements of the primary use/development.
2. Excavation below the ordinary high water mark shall be considered dredging and shall be subject to Article 7 section 3 (Dredging) of this Program.
3. When allowed, filling and/or excavation shall be located, designed, and carried out in a manner that:
 - i. Minimizes adverse impacts on the shoreline environment; and
 - ii. Blends in physically and visually with natural topography, so as not to interfere with appropriate use, impede public access, or degrade the aesthetic qualities of the shoreline; and

- 1 iii. Does not require shoreline armoring or stabilization to protect materials
2 placed unless it is part of an approved shoreline restoration project and
3 shoreline armoring or stabilization measures are needed to keep the
4 material in place.
- 5 4. Fill materials placed within shoreline jurisdiction shall be from an approved source
6 and shall consist of clean sand, gravel, soil, rock or similar material. The use of
7 contaminated material or construction debris shall be prohibited.
- 8 5. Fill placed waterward of the ordinary high water mark shall only be permitted when
9 alternatives are infeasible and when the filling/excavation is necessary to support
10 one or more of the following:
- 11 i. Approved marinas, ports, and other water-dependent industries where
12 upland alternatives or structural solutions including pile or pier supports
13 are infeasible.
- 14 ii. Development or maintenance of essential public infrastructure and
15 facilities.
- 16 iii. Environmental clean-up activities required by MTCA and CERCLA.
- 17 iv. Maintenance of a lawfully established use or development.
- 18 v. Ecological restoration and enhancement projects benefiting water
19 quality and/or fish and wildlife habitat.
- 20 vi. Public access and public water-oriented recreation projects benefiting
21 substantial numbers of people.
- 22 vii. Part of an approved shoreline stabilization, flood control or in-stream
23 structure project when consistent with this Program.
- 24 6. Filling in areas of special flood hazard shall conform to the Flood Damage
25 Prevention provisions of JCC Chapter 15.15.
- 26 7. The following information shall be required for all proposals involving fill or
27 excavation unless the County determines that issues are adequately addressed via
28 another regulatory review process:
- 29 i. A description of the proposed use of the fill area; and
- 30 ii. A description of the fill material, including its source, and physical,
31 chemical and biological characteristics; and
- 32 iii. A description of the method of placement and compaction; and
- 33 iv. A description of the location of the fill relative to natural and/or existing
34 drainage patterns; and
- 35 v. A description and map of the fill area and depth relative to the ordinary
36 high water mark (OHWM); and
- 37 vi. A description of proposed means to control erosion and stabilize the fill;
38 and
- 39 vii. A temporary erosion and sediment control (TESC) plan; and
- 40 viii. A description of proposed surface runoff control measures.

5. Flood Control Structures

A. Policies

1. The County should prevent the need for flood control works by limiting new development in flood-prone areas.
2. New or expanded development or uses in the shoreline, including subdivision of land, that would likely require flood control structures within a stream, channel migration zone, or floodway should be prohibited.
3. Construction of new flood control structures should only be allowed where there is a documented need to protect an existing structure and mitigation is applied, consistent with this Program. New development should be designed and located to preclude the need for such flood control structures.
4. When evaluating the need for flood control structures such as traditional levees and/or dams, opportunities to remove or relocate existing developments and structures out of flood-prone areas should be pursued to the maximum extent feasible. Alternative measures, such as overflow corridors and setback levees, that may have less adverse impact on shoreline ecology should be considered before structural flood control measures can be approved.
5. Probable effects on ecological functions and processes should be fully evaluated for consistency with this Program before flood control structures are permitted.
6. Flood control structures are a necessary and appropriate means of protecting existing development only when all of the following are met:
 - i. The primary use being protected is consistent with this Program; and
 - ii. Non-structural flood hazard reduction measures are infeasible; and
 - iii. Where such structures can be developed in a manner that is compatible with multiple use of streams; and
 - iv. Where shoreline resources such as fish and wildlife habitat and recreation are protected in the long term.
7. When proven necessary, flood control structures should be located, designed, and maintained in a manner that:
 - i. Minimizes adverse effects on shoreline ecology; and
 - ii. Is compatible with navigation and recreation, especially in shorelines of statewide significance, provided that public safety and ecological protection are fully addressed; and
 - iii. Incorporates native vegetation to enhance ecological functions, creates a more natural appearance, improves ecological processes, and provides more flexibility for long-term shoreline management.
 - iv. Non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to flood control structures. Non-regulatory methods may include public facility and resource planning,

land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.

8. The County should continue to develop long-term, comprehensive flood hazard management plans in cooperation with other applicable agencies and persons to prevent flood damage, maintain the natural hydraulic capacity of streams and floodplains, and conserve or restore valuable, limited resources such as fish, water, soil, and recreation and scenic areas.
9. Planning and design of flood control structures should be consistent with and incorporate elements from adopted watershed management plans, restoration plans and/or surface water management plans.

B. Shoreline Environment Regulations

1. Priority Aquatic: Flood control structures may be permitted subject to the policies and regulations of this Program and a conditional use permit if allowed in the adjacent upland environment.
2. Aquatic: Flood control structures may be permitted subject to the policies and regulations of this Program and a conditional use permit if allowed in the adjacent upland environment.
3. Natural: Flood control structures are prohibited.
4. Conservancy: Flood control structures may be permitted subject to the policies and regulations of this Program and a conditional use permit.
5. Shoreline Residential: Flood control structures may be allowed subject to the policies and regulations of this Program and a conditional use permit.
6. High Intensity: Flood control structures may be permitted subject to the policies and regulations of this Program and a conditional use permit.

C. Regulations

1. Flood control structures shall be permitted only when there is credible engineering and scientific evidence that:
 - i. They are necessary to protect existing, lawfully established development; and
 - ii. They are consistent with JCC Chapter 15.15, JCC Chapter 18.30 and the County Comprehensive Plan; and
 - iii. Non-structural flood hazard reduction measures are infeasible; and
 - iv. Proposed measures are consistent with an adopted comprehensive flood hazard management plan if available.
2. When permitted, flood control structures shall be:
 - i. Constructed and maintained in a manner that does not degrade the quality of affected waters or the habitat value associated with the in-stream and riparian area; and

- ii. Placed landward of the OHWM except for weirs and current deflectors whose primary purpose is to protect public bridges and roads; and
 - iii. Placed landward of associated wetlands and designated habitat conservation areas, except for structures whose primary purpose is to improve ecological functions; and
 - iv. Designed based on engineering and scientific analyses that provide the highest degree of protection to shoreline ecological functions or processes; and
 - v. Designed to allow for normal ground water movement and surface runoff. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless they are actually causing bank erosion or higher flood stages; and
 - vi. Designed to allow streams to maintain point bars and associated aquatic habitat through normal accretion so that the stream can maintain normal meander progression and maintain most of its natural storage capacity.
3. When permitted, dikes and levees shall be limited to that height required to protect adjacent lands from the predictable annual flood unless it can be demonstrated through hydraulic modeling that a larger height will not adversely impact shoreline ecological functions and processes.
4. Flood control works are prohibited on estuarine shores, on point and channel bars, and in salmon and trout spawning areas, except for the purpose of fish or wildlife habitat enhancement or restoration.
5. Flood control structures and stream channelization projects that damage fish and wildlife resources, recreation or aesthetic resources, or create high flood stages and velocities shall be prohibited.
6. Use of solid waste such as motor vehicles, derelict vessels, appliances, or demolition debris; construction of flood control works is prohibited.
7. Flood control structures shall not adversely affect valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided banks.
8. The County shall require flood control structures to be professionally engineered and designed prior to final approval. The design shall be consistent with the Department of Fish and Wildlife Aquatic Habitat Guidelines and other applicable guidance and regulatory requirements.
9. No flood control structure shall be installed or constructed without the developer having obtained all applicable federal, state, and local permits and approvals, including but not limited to a Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife.
10. Removal of beaver dams to control or limit flooding shall be allowed provided that the project proponent coordinates with the Department of Fish and Wildlife and obtains all necessary permits and approvals from the state.

- 1 11. To determine that the provisions of this section are fully addressed, the County
2 may require one or more technical studies/reports at the time of permit application
3 for flood control structures unless the County determines that issues are
4 adequately addressed via another regulatory review process. Technical reports
5 required pursuant to this section shall address the following:
- 6 i. An analysis of the flood frequency, duration and severity and expected
7 health and safety risks as a rationale and justification for the proposed
8 structure.
 - 9 ii. A hydraulic analysis prepared by a licensed professional engineer that
10 describes anticipated effects of the project on stream hydraulics,
11 including potential increases in base flood elevation, changes in stream
12 velocity, and the potential for redirection of the normal flow of the
13 affected stream.
 - 14 iii. A biological resource inventory and analysis prepared by a qualified
15 professional biologist that describes the anticipated effects of the project
16 on fish and wildlife resources.
 - 17 iv. Proposed provisions for accommodating public access to and along the
18 affected shoreline, as well as any proposed on-site recreational features.
 - 19 v. A description of any proposed plans to remove vegetation and revegetate
20 the site following construction.
- 21 12. To ensure compliance with the no net loss provisions of this Program, the County
22 may require the proponent to prepare a mitigation plan that describes measures for
23 protecting shoreline and in-stream resources during construction and operation of
24 a flood control structure. The required mitigation shall be commensurate with the
25 value and type of resource or system lost. Mitigation activities shall be monitored
26 by the proponent to determine the effectiveness of the mitigation plan. In
27 instances where the existing mitigation measures are found to be ineffective, the
28 proponent shall take corrective action that satisfies the objectives of the mitigation
29 plan.

30 **6. In-stream Structures**

31 **A. Policies**

- 32 1. Large-scale in-stream structures such as hydroelectric dams and related facilities
33 are discouraged in Jefferson County. Such facilities should not be permitted
34 except in the rare instance where there is clear evidence that the benefits to
35 County residents outweigh any potential adverse ecological impacts.
- 36 2. In-stream structures should be approved only when associated with and necessary
37 for an ecological restoration project, a fish passage project, or an allowed
38 shoreline use/development such as a utility or industrial facility.

3. When necessary, in-stream structures should be located, designed, operated and maintained in a manner that minimizes adverse effects on the stream functions and processes.
4. Proposals for new in-stream structures should be evaluated for their potential adverse effects on the physical, hydrological, and biological characteristics as well as effects on species that inhabit the stream or riparian area.
5. When necessary, in-stream structures should be planned and designed to be compatible with navigation and recreation, especially in shorelines of statewide significance, provided that public safety and ecological protection are fully addressed.

B. Shoreline Environment Regulations

1. Priority Aquatic: In-stream structures may be allowed subject to the policies and regulations of this Program and a conditional use permit if allowed in the adjacent upland environment.
2. Aquatic: In-stream structures may be allowed subject to the policies and regulations of this Program and a conditional use permit if allowed in the adjacent upland environment.
3. Natural: In-stream structures are prohibited, except that in-stream structures (such as large woody debris) whose primary purpose is restoration of shoreline ecological conditions may be permitted subject to the provisions of this Program.
4. Conservancy: In-stream structures may be allowed subject to the policies and regulations of this Program and a conditional use permit.
5. Shoreline Residential: In-stream structures may be allowed subject to the policies and regulations of this Program and a conditional use permit.
6. High Intensity: In-stream structures may be allowed subject to the policies and regulations of this Program and a conditional use permit.

C. Regulations

1. Dams and associated power generating facilities shall not be permitted except in the rare instance where there is clear evidence that the benefits to County residents outweigh any potential adverse ecological impacts. The criteria for approving such facilities will depend on the specific location including its particular physical, cultural, and ecological conditions. Prior to approving or denying such facilities, the County shall consult citizens and appropriate agencies to evaluate in-stream structure proposals.
2. In-stream structures whose primary purpose is flood control shall be subject to Article 7 section 5 (Flood Control Structures) and this section. In-stream structures whose purpose is power generation shall be subject to the policies and regulations for Article 8 section 5 (Industrial Use) and this section.

3. When permitted, in-stream structures and their support facilities shall be:
 - i. Constructed and maintained in a manner that does not degrade the quality of affected waters or the habitat value associated with the in-stream and riparian area; and
 - ii. Located and designed based on reach analysis to avoid the need for structural shoreline armoring.
4. All in-water diversion structures shall be designed to permit the natural transport of bedload materials. All debris, overburden and other waste materials from construction shall be disposed of in such a manner that prevents their entry into a water body.
5. In-stream structures shall not impede upstream or downstream migration of anadromous fish.
6. Small-scale power generating microturbines may be placed in streams provided they do not create impoundments and there are no adverse effects on shoreline functions and processes, including but not limited to, stream flow, habitat structure, temperature, and/or water quality. The County shall take appropriate measures and precautions to prevent the proliferation of small-scale power generating apparatus as necessary to prevent cumulative adverse impacts.
7. The County shall require any proposed in-stream structure to be professionally engineered and designed prior to final approval.
8. No in-stream structure shall be installed without the developer having obtained all applicable federal, state, and local permits and approvals, including but not limited to a Hydraulic Project Approval (HPA) from the State Department of Fish and Wildlife.
9. The County shall require the proponent of any in-stream structure proposal to provide the following information prior to final approval unless the County determines that the issues are adequately addressed via another regulatory review process:
 - i. A site suitability analysis that provides the rationale and justification for the proposed structure. The analysis shall include a description and analysis of alternative sites, and a thorough discussion of the environmental impacts of each; and
 - ii. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on stream hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream; and
 - iii. A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; and

- iv. For hydropower facilities, the proposed location and design of powerhouses, penstocks, accessory structures and access and service roads; and
- v. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features; and
- vi. A description of any plans to remove vegetation and/or revegetate the site following construction; and proposed mitigation plan that describes, in detail, provisions for protecting in-stream resources during construction and operation, and measures to compensate for impacts that resources that cannot be avoided.
- vii. A description of sites proposed for the depositing of debris, overburden, and other waste materials generated during construction.

7. Structural Shoreline Armoring and Shoreline Stabilization

A. Policies

1. The County should take active measures to preserve natural unaltered shorelines and prevent the proliferation of bulkheads and other forms of shoreline armoring.
2. Non-structural stabilization measures including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff and other measures are preferred over structural shoreline armoring.
3. Structural shoreline armoring should only be permitted when necessary to support a primary structure associated with an approved shoreline use/development, public infrastructure, and/or essential public facilities when other alternatives are infeasible.
4. Where beach erosion threatens an existing use or development, proposals for new structural shoreline armoring should evaluate a range of options and designs. On a reach-specific basis, causes of erosion as well as effects should be evaluated. Beach management issues such as sediment conveyance, geohydraulic processes, and ecological relationships all should be considered in arriving at a design to minimize disturbance.
5. Shoreline stabilization and shoreline armoring for the purpose of leveling or extending property or creating or preserving residential lawns, yards or landscaping should not be allowed.
6. When structural shoreline armoring is determined necessary to protect public infrastructure and primary structures, it should be located, designed, and maintained in a manner that minimizes adverse effects on shoreline ecology, including effects on the project site, adjacent properties, and sediment transport to downdrift areas.

7. Before approving shoreline armoring structures, the County should require the proponent to identify, address and mitigate probable effects on shoreline processes and functions.
8. Shoreline armoring structures should be located and designed based on an understanding of long-term physical shoreline processes. The structural shoreline armoring should fit the physical character and hydraulic energy of a specific shoreline reach, which may differ substantially from adjacent reaches.
9. Vertical concrete or rock walls should be avoided whenever possible and only be used to protect shorelines as a last resort and only when extreme measures are required.
10. Structural shoreline armoring should not interfere with existing or future public access to public shorelines nor with other appropriate shoreline uses such as navigation, seafood harvest, or recreation.
11. When seeking approval for new structural shoreline armoring, the project proponent should include public access that is consistent with the Article 6 section 3 (Public Access) of this Program.
12. Proponents of new structural shoreline armoring should coordinate with other affected property owners and public agencies to address ecological and geo-hydraulic processes, sediment conveyance and beach management issues for the whole drift sector (net shoreline-drift cell) or shoreline reach where feasible.
13. Where feasible, any failing, harmful, unnecessary, or ineffective structural shoreline armoring should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.
14. In addition to conforming to the regulations in this Program, non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged. Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, land acquisition and restoration, or other incentive programs.

B. Shoreline Environment Regulations

1. Priority Aquatic: Shoreline stabilization may be permitted subject to the provisions of this Program. New structural shoreline armoring is prohibited.
2. Aquatic: Shoreline stabilization may be permitted subject to the provisions of this Program. Structural shoreline armoring to protect existing public transportation infrastructure and existing essential public facilities may be allowed as a conditional use if allowed in the adjacent upland environment. Structural shoreline armoring to protect new residential developments is prohibited.
3. Natural: Shoreline stabilization may be permitted subject to the provisions of this Program. Structural shoreline armoring is prohibited except that structural

shoreline armoring to protect existing public transportation infrastructure and existing essential public facilities may be allowed as a conditional use.

4. Conservancy: Shoreline stabilization may be permitted subject to the provisions of this Program. Shoreline armoring structures may be permitted as a conditional use.
5. Shoreline Residential: Shoreline stabilization may be permitted subject to the provisions of this Program. Shoreline armoring structures may be permitted as a conditional use.
6. High Intensity: Shoreline stabilization may be permitted subject to the provisions of this Program. Shoreline armoring structures may be permitted as a conditional use.

C. Regulations – Existing Structural Shoreline Armoring

1. Existing structural shoreline armoring, as defined in Article 2, may be replaced in kind if there is a demonstrated need to protect public transportation infrastructure, essential public facilities, and primary structures from erosion caused by currents, tidal action, or waves and all of the following apply:
 - i. The replacement structure is designed, located, sized, and constructed to assure no net loss of ecological functions.
 - ii. The replacement structure performs the same stabilization function of the existing structure and does not require additions to or increases in size.
 - iii. The replacement structure shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
2. Removal of older structures is required as new ones are put in place. Exceptions may be made by the Administrator only in cases where removal would cause more ecological disturbance than leaving the remnant structure in place.

D. Regulations – Subdivisions and Existing Lots without Structures

1. Land subdivisions shall be designed to assure that future development or use of the established lots will not require structural shoreline armoring.
2. Use of a bulkhead, revetment or similar shoreline armoring to protect a platted lot where no primary use or structure presently exists shall be prohibited. Where such shoreline armoring already exists, property owners are strongly encouraged to remove it.
3. Structural shoreline armoring for the sole purpose of leveling or extending property or creating or preserving residential lawns, yards, or landscaping shall be

1 prohibited. Where such shoreline armoring already exists, property owners are
2 strongly encouraged to remove it.

3 E. Regulations – New or Expanded Shoreline Armoring, When Allowed

- 4 1. Structural shoreline armoring shall be prohibited in or adjacent to lakes and other
5 low energy environments such as bays, and accreting marine shores. Where such
6 shoreline armoring already exists, property owners are strongly encouraged to
7 remove it.
- 8 2. New structural shoreline armoring may be permitted and existing structural
9 shoreline armoring may be expanded only when one or more of the following
10 apply:
 - 11 i. When necessary to support a project whose primary purpose is
12 enhancing or restoring ecological functions.
 - 13 ii. As part of an effort to remediate hazardous substances pursuant to RCW
14 70.105.
 - 15 iii. When necessary to protect public transportation infrastructure or
16 essential public facilities and other options are infeasible.
 - 17 iv. When necessary to protect a water-oriented use or an existing, lawfully
18 established, primary structure, including a residence that is in imminent
19 danger of loss or substantial damage from erosion caused by tidal action,
20 currents, or waves.
- 21 3. Proposals for new or expanded structural shoreline armoring allowed under
22 7.7.E.2. above shall clearly demonstrate all of the following before a permit can
23 be issued:
 - 24 i. The erosion is not being caused by upland conditions, such as the loss of
25 vegetation or poor drainage.
 - 26 ii. The structural shoreline armoring design is the least environmentally
27 damaging alternative.
 - 28 iii. The shoreline armoring complies with the flood damage prevention
29 regulations in JCC Chapter 18.30.070.
 - 30 iv. Adverse impacts are fully mitigated according to the prescribed
31 mitigation sequence such that there is no net loss of shoreline ecological
32 functions or processes.
 - 33 v. Alternatives to structural shoreline armoring including vegetative
34 shoreline stabilization, flexible/natural materials and methods, beach
35 nourishment and other forms of bioengineering are determined to be
36 infeasible or insufficient.
- 37 4. When evaluating the need for new or expanded structural shoreline armoring, the
38 Administrator shall require the applicant to examine and implement alternatives to
39 structural shoreline armoring in the following order of preference:
 - 40 i. No action (allow the shoreline to retreat naturally).
 - 41 ii. Increased building setbacks and/or relocated structures.

- iii. Use of flexible/natural materials and methods, vegetation, beach nourishment, protective berms, or bioengineered shoreline stabilization.
5. The County shall require applicants for new or expanded structural shoreline armoring to provide credible evidence of erosion as the basis for documenting that the primary structure is in imminent danger from shoreline erosion caused by tidal action, currents, or waves. The evidence shall:
 - i. Demonstrate that the erosion is not due to landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope; and
 - ii. Include an assessment of on-site drainage and vegetation characteristics and their effects on slope stability.

F. Regulations –New or Expanded Shoreline Armoring, Design Standards

1. New or expanded shoreline armoring shall be designed by a state licensed professional geotechnical engineer and/or engineering geologist and constructed according to applicable U.S. Army Corps of Engineers requirements and/or state Department of Fish and Wildlife Aquatic Habitat Guidelines.
2. The size of structural shoreline armoring shall be limited to the minimum necessary to protect the primary use or structure that it is intended to protect.
3. When shoreline armoring is permitted, it shall be constructed of erosion resistant, environmentally safe and durable materials that are easy to maintain.
4. Shoreline armoring shall be designed and constructed with gravel backfill and weep holes so that natural downward movement of surface or ground water may continue without ponding or saturation that could compromise the surrounding soil stability.
5. All forms of structural shoreline armoring shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The County may require setbacks, buffers, and/or other measures to achieve these objectives.
6. Shoreline defense structures shall not be constructed with waste materials such as demolition debris, derelict vessels, tires, concrete or any other materials which might have adverse toxic or visual impacts on shoreline areas.
7. Gabions are prohibited as a means of stabilizing shorelines because of their limited durability and the potential hazard to shoreline users and the shoreline environment.
8. Proposals, other than single-family residential developments of more than four (4) lots, that involve new or expanded shoreline armoring shall incorporate public access features consistent with Article 6 section 3 (Public Access) of this Program.

1 G. Regulations – Bulkheads

- 2 1. Bulkheads shall comply with the regulations noted in 7.7.B through F and this
3 section.
- 4 2. Bulkheads shall meet all of the following criteria:
- 5 i. They shall be located generally parallel to the shoreline. Adequate bank
6 toe protection shall be provided to ensure bulkhead stability without
7 relying on additional rip-rap; and
- 8 ii. They shall be located so as to tie in flush with existing bulkheads on
9 adjoining properties, except when adjoining bulkheads do not comply
10 with the design or location requirements set forth in this Program.

11 H. Regulations – Revetments

- 12 1. Revetments shall comply with the regulations noted in 7.7.B through F and this
13 section.
- 14 2. Revetments shall meet all of the following criteria:
- 15 i. Revetments shall be placed landward of associated wetlands; and
- 16 ii. Revetments shall be located sufficiently landward of the stream channel
17 to allow streams to maintain point bars and associated aquatic habitat
18 through normal accretion; and
- 19 iii. Revetments shall be prohibited on estuarine shores, in wetlands, on point
20 and channel bars, and in salmon and trout spawning areas.
- 21 3. Revetments or similar structures that have already cut off point bars from the
22 stream shall be relocated if feasible.
- 23 4. When requesting a permit for a revetment along a stream or river, the applicant
24 shall provide a geotechnical analysis of stream geomorphology both upstream and
25 downstream of the proposed revetment site to assess the physical character and
26 hydraulic energy potential of the specific stream reach and adjacent upstream or
27 downstream reaches. The purpose of such analysis is to assure that the physical
28 integrity of the stream corridor is maintained, that stream processes are not
29 adversely affected, and that the revetment will not cause significant damage to
30 other properties or shoreline functions and processes.

31 I. Regulations – Breakwaters, Jetties, and Seawalls

- 32 1. Breakwaters, jetties, and seawalls shall comply with the regulations noted in 7.7.B
33 through F and this section.
- 34 2. Breakwaters, jetties, and seawalls shall only be allowed when shown to be
35 necessary:
- 36 i. For purposes of navigation, or fisheries or habitat enhancement; or

- ii. To protect from strong wave action public water-dependent uses such as a harbor, marina, or port that are located seaward of the existing shoreline; or
 - iii. When adverse impacts on water circulation, sediment transport, fish and wildlife migration, shellfish, and aquatic vegetation can be effectively mitigated.
3. Open-pile, floating, portable, or submerged breakwaters, or several smaller discontinuous structures that are anchored in place, shall be preferred over fixed breakwaters.

J. Regulations – Application Requirements

1. To verify that the provisions of this section are fully addressed, the County may require information to support a permit application for any type of shoreline stabilization. Application information required pursuant to this section shall address the urgency and risks associated with the specific site characteristics and shall include:
 - i. A scaled site plan showing: 1) existing site topography and 2) the location of existing and proposed shoreline stabilization, shoreline armoring structures, and any fill including dimensions indicating distances to the OHWM; and
 - ii. A description of the processes affecting the site and surrounding areas, including but not limited to: tidal action and/or waves; slope instability or mass wasting; littoral drift; channel migration; and soil erosion, deposition, or accretion; and
 - iii. A description of alternatives to structural approaches, and a thorough discussion of the environmental impacts of each alternative; and
 - iv. A description of any proposed vegetation removal and a plan to revegetate the site following construction; and
 - v. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on water and wave elevations and velocities; and
 - vi. A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; and
 - vii. A description of opportunities for providing public access to and along the affected shoreline, as well as any proposed on-site recreational features if applicable; and
 - viii. A description of any waste and debris disposal sites for materials generated during construction; and
 - ix. Any other information that may be required to demonstrate compliance with the review criteria referenced in this section.

8. Restoration

A. Policies

1. Protection of existing resources is the best way to ensure the long-term health and well-being of Jefferson County shorelines. Restoration should be used to complement the protection strategies required by this Program to achieve the greatest overall ecological benefit.
2. This Program recognizes the importance of restoring shoreline ecological functions and processes. Jefferson County supports cooperative restoration efforts by strategically organizing programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.
3. Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish and wildlife species.
4. Restoration should be integrated with and should support other natural resource management efforts in Jefferson County and in the greater Puget Sound region.
5. Priority should be given to restoration actions that meet the goals and objectives contained in Article 3 section 6 (Restoration and Enhancement) of this Program.
6. When prioritizing restoration actions, the County should give highest priority to measures that have the greatest chance of reestablishing ecosystem processes and creating self-sustaining habitats.

B. Shoreline Environment Regulations

1. Priority Aquatic: Restoration may be permitted subject to provisions of this Program.
2. Aquatic: Restoration may be permitted subject to provisions of this Program.
3. Natural: Restoration may be permitted subject to provisions of this Program.
4. Conservancy: Restoration may be permitted subject to provisions of this Program.
5. Shoreline Residential: Restoration may be permitted subject to provisions of this Program.
6. High Intensity: Restoration may be permitted subject to provisions of this Program.

C. Regulations

1. Restoration shall be carried out in accordance with an approved restoration plan and in accordance with the policies and regulations of this Program.

ARTICLE 8 – USE-SPECIFIC POLICIES AND REGULATIONS

This Article describes policies and regulations that apply to specific uses and developments in the shoreline jurisdiction. The policies and regulations are intended to work in concert with the Master Program goals (Article 3) and the general policies and regulations (Article 6). Policies and regulations that address specific shoreline modifications (e.g., bulkheads, piers, dredging, etc.) that may be associated with, or accessory to, a specific use are in Article 7.

1. Agriculture

Agriculture is important to the long-term economic viability of Jefferson County. Consistent with WAC 173-26-241(3)(a)(ii), this Program should not modify or limit ongoing agricultural activities occurring on agricultural lands.

A. Policies

1. New agricultural uses and development, as defined in Article 2, proposed on land not currently in agricultural use, and conversion of agricultural lands to non-agricultural uses, should conform to this Program.
2. New agricultural use and development should be managed to:
 - i. Prevent livestock intrusion into the water;
 - ii. Control runoff;
 - iii. Prevent water quality contamination caused by nutrients and noxious chemicals;
 - iv. Minimize clearing of riparian areas;
 - v. Prevent bank erosion; and
 - vi. Assure no net loss of ecological functions and avoid adverse effects on shoreline resources and values.
3. New agricultural use and development should preserve and maintain native vegetation between tilled lands and adjacent water bodies. The width of the native vegetation zone should vary depending on site conditions with the overall goal being to limit clearing of riparian corridors.
4. Intensive residential, industrial and commercial uses and uses that are unrelated to agriculture should be located so as not to create conflicts with agricultural uses.
5. The County should promote cooperative arrangements between farmers and public recreation agencies so that public use of shorelines does not conflict with agricultural operations.
6. Existing and new agricultural uses are encouraged to use best management practices to prevent erosion, runoff, and associated water quality impacts.

1 B. Shoreline Environment Regulations

- 2 1. Priority Aquatic: New agricultural activities are prohibited. Farming and
3 management of shellfish and other aquatic products are subject to the Aquaculture
4 policies and regulations (Article 8 section 2) of this Program.
- 5 2. Aquatic: New agricultural activities are prohibited.
- 6 3. Natural: New agricultural activities are prohibited, except that low intensity
7 agricultural activities such as grazing may be allowed subject to policies and
8 regulations of this Program; provided that such low intensity agriculture does not
9 expand or alter agricultural practices in a manner inconsistent with the purpose of
10 this designation. All other agricultural activities are prohibited.
- 11 4. Conservancy: New agricultural activities may be allowed subject to policies and
12 regulations of this Program.
- 13 5. Shoreline Residential: New agricultural activities may be allowed subject to
14 policies and regulations of this Program.
- 15 6. High Intensity: New agricultural activities may be allowed subject to policies and
16 regulations of this Program.

17 C. Regulations

- 18 1. In accordance with RCW 90.58.065, this Program shall not restrict agriculture on
19 existing agricultural land.
- 20 2. New agricultural use and development on lands not meeting the definition of
21 agricultural land shall comply with this Program and all of the following
22 regulations:
- 23 i. Manure spreading shall be conducted in a manner that prevents animal
24 wastes from entering water bodies or wetlands adjacent to water bodies.
25 Manure spreading shall not be allowed within the floodway or within
26 twenty-five (25) feet of the ordinary high water mark of any shoreline,
27 whichever is greater.
- 28 ii. Confinement lots, feeding operations, lot wastes, manure storage or
29 stockpiles, and storage of noxious chemicals shall not be allowed within
30 floodways or within two hundred (200) feet of the ordinary high water mark
31 of any shoreline, whichever is greater.
- 32 iii. A buffer of naturally occurring or planted native vegetation shall be
33 maintained between the shoreline and areas used for crops or intensive
34 grazing. The width of the buffer on marine, river, and lake shorelines shall
35 correspond to the standards of this Program as specified in Article 6 section
36 1.
- 37 iv. Bridges, culverts and/or ramps shall be used to enable livestock to cross
38 streams without damaging the streambed or banks.
- 39 v. Stock watering facilities shall be provided so that livestock do not need to
40 access streams or lakes for drinking water.
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- vi. Fencing or other grazing controls shall be used as appropriate to prevent bank compaction, bank erosion, or the overgrazing of, or damage to, shoreline buffer vegetation.

2. Aquaculture

Aquaculture is a preferred, water-dependent use of regional and statewide interest that is important to the long-term economic viability, cultural heritage and environmental health of Jefferson County.

A. Policies

1. The County should support aquaculture use and development on tidelands when they are consistent with this Program. The County should support aquaculture uses and developments that:
 - i. Protect and improve water quality; and
 - ii. Minimize damage to important nearshore habitats; and
 - iii. Minimize interference with navigation and normal public use of surface waters; and
 - iv. Minimize the potential for cumulative adverse impacts.
2. When properly managed, aquaculture can result in long-term ecological and economic benefits. The County should engage in coordinated planning to identify potential aquaculture areas and assess long-term needs for aquaculture. This includes working with the Department of Fish and Wildlife (DFW), the Department of Natural Resources (DNR), area tribes and shellfish interests to identify areas that are suitable for aquaculture and protect them from uses that would threaten aquaculture's long-term sustainability.
3. Aquaculture use and development should locate in areas where biophysical conditions, such as tidal currents, water temperature and depth, will minimize environmental impacts. Individual aquaculture uses and developments should be separated by a sufficient distance to ensure that significant adverse cumulative effects do not occur.
4. Tidelands and bedlands that were acquired and retained under the Bush and Callow Acts should be protected by not permitting non-aquaculture use and development on these tidelands.
5. Intensive residential uses, other industrial and commercial uses, and uses that are unrelated to aquaculture should be located so as not to create conflicts with aquaculture operations.
6. The County should promote cooperative arrangements between aquaculture growers and public recreation agencies so that public use of public shorelines does not conflict with aquaculture operations.

7. Experimental forms of aquaculture involving the use of new species, new growing methods or new harvesting techniques should be allowed when they are consistent with applicable state and federal regulations and this Program.
8. The County should support community restoration projects associated with aquaculture when they are consistent with this Program.
9. Commercial and recreational shellfish areas including Shellfish Habitat Conservation Areas are critical habitats. Shellfish aquaculture activities within all public and private tidelands and bedlands are allowed uses. Such activities include but are not limited to bed marking, preparation, planting, cultivation, and harvest. Nothing in this program should be construed as to preclude their use.
10. Chemicals, fertilizers, and genetically modified organisms should not be used in aquaculture operations in Jefferson County.

B. Shoreline Environment Regulations

1. Priority Aquatic: Bottom and floating/hanging aquaculture, molluscan shellfish nurseries, and molluscan shellfish hatcheries may be allowed subject to the use and development regulations of the adjacent upland shoreline environment. Net pen aquaculture is prohibited.
2. Aquatic: Bottom and floating/hanging aquaculture, molluscan shellfish nurseries, and molluscan shellfish hatcheries may be allowed subject to the use and development regulations of the adjacent upland shoreline environment. Net pen aquaculture may be allowed with a conditional use permit subject to the use and development regulations of the adjacent upland shoreline environment.
3. Natural: Bottom and floating/hanging aquaculture and molluscan shellfish nurseries may be allowed subject to policies and regulations of this Program. Fish incubators and nurseries may be allowed with a conditional use permit and subject to the policies and regulations of this Program. Net pen aquaculture is prohibited.
4. Conservancy: Bottom and floating/hanging aquaculture molluscan shellfish nurseries, and molluscan shellfish hatcheries may be allowed subject to policies and regulations of this Program Net pen aquaculture may be allowed with a conditional use permit subject to the use and development regulations of the adjacent upland shoreline environment. Fish hatcheries, incubators and nurseries may be allowed with a conditional use permit subject to the policies and regulations of this Program.
5. Shoreline Residential: Bottom and floating/hanging aquaculture, molluscan shellfish nurseries, and molluscan shellfish hatcheries may be allowed subject to a conditional use permit. Net pen aquaculture may be allowed with a conditional use permit subject to the use and development regulations of the adjacent upland shoreline environment. Fish hatcheries, incubators and nurseries may be allowed with a conditional use permit subject to the policies and regulations of this Program.

6. High Intensity: Bottom and floating/hanging aquaculture, molluscan shellfish nurseries, and molluscan shellfish hatcheries may be allowed subject to policies and regulations of this Program. Net pen aquaculture may be allowed with a conditional use permit subject to the use and development regulations of the adjacent upland shoreline environment. Fish hatcheries, incubators and nurseries may be allowed with a conditional use permit subject to the policies and regulations of this Program.

C. Regulations – General

1. Net pens, as defined in Article 2, and finfish aquaculture facilities that do not have the means to prevent the release of herbicides, pesticides, antibiotics, fertilizers, non-indigenous species, parasites, pharmaceuticals, genetically modified organisms or other materials known to be harmful are prohibited. A conditional use permit is required for all other net pen facilities.
2. When a shoreline permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm. If the initial approval is a shoreline substantial development permit, it shall be valid for a period of five (5) years with a possible one-year extension. If the initial approval is a conditional use permit, it shall be valid for the period specified in the permit.
3. Ongoing maintenance, harvest, replanting, restocking or changing the species cultivated in any existing or permitted aquaculture operation shall not require a new permit, unless or until:
 - i. The physical extent of the facility or farm is expanded by more than twenty-five percent (25%) or more than twenty-five percent (25%) of the facility/farm changes operational/cultivation methods compared to the conditions that existed as of the effective date of this Program or any amendment thereto. If the amount of expansion or change in cultivation method exceeds twenty-five percent (25%) in any ten (10) year period, the entire operation shall be considered new aquaculture and shall be subject to applicable permit requirements of this section; or
 - ii. The facility proposes to cultivate species not previously cultivated in the state of Washington.
4. Aquaculture uses and activities involving hatching, seeding, planting, cultivating, raising and/or harvesting of planted or naturally occurring shellfish shall not be considered development, as defined in Article 2, and shall not require a shoreline substantial development permit, unless:
 - i. The activity substantially interferes with normal public use of surface waters.; or
 - ii. The activity involves placement of any structures as defined in Article 2; or

- 1 iii. The activity involves dredging using mechanical equipment such as
2 clamshell, dipper, or scraper; or
3 iv. The activity involves filling of tidelands or bedlands.
- 4 5. The County shall assess the potential for interference described in 8.2.D.3 on a
5 case-by-case basis. All proposed new aquaculture uses or developments shall
6 submit a Joint Aquatic Permit Application (JARPA) and SEPA checklist to enable
7 assessment by the county. Activities shall not be considered to substantially
8 interfere with normal public use of surface waters, unless:
- 9 i. They occur in, adjacent to or in the immediate vicinity of public waters
10 including public tidelands; and
11 ii. They involve the use of floating ropes, markers, barges, floats, or similar
12 apparatus on a regular basis or in a manner that substantially obstructs
13 public access, or passage from public facilities such as parks or boat ramps;
14 or they exclude the public from more than one acre of surface water on an
15 ongoing or permanent basis.
- 16 6. Aquaculture activities not listed in 8.2.C.4 and listed activities that fail to meet
17 any of the criteria in 8.2.C.4 shall require a shoreline substantial development
18 permit or conditional use permit, and shall be subject to all of the following
19 regulations:
- 20 i. Subtidal, intertidal, floating, and upland structures and apparatus associated
21 with aquaculture use shall be located, designed and maintained to avoid
22 adverse effects on ecological functions and processes.
23 ii. The County shall consider if proposed aquaculture facilities/farms are
24 located to prevent negative effects on ecological functions and processes
25 and adjoining land uses. Specifically, net pen facilities shall not be located
26 in migratory corridors or near the mouth of salmon bearing streams. The
27 County shall determine what constitutes acceptable placement and
28 concentration of commercial aquaculture in consultation with state and
29 federal agencies and Tribes based on the specific characteristics of the
30 waterbody, reach, drift cell, and uplands in the vicinity of the farm/facility.
31 iii. Upland structures accessory to aquaculture use that do not require a
32 waterside location or have a functional relationship to the water shall be
33 located landward of shoreline buffers required by the Program.
34 iv. Overwater work shelters and sleeping quarters accessory to aquaculture
35 use/development shall be prohibited.
36 v. Floating/hanging aquaculture structures and associated equipment shall not
37 exceed six (6) feet in height above the water's surface. The Administrator
38 may approve hoists and similar structures greater than six (6) feet in height
39 when there is a clear demonstration of need. The six foot height limit shall
40 not apply to vessels.
41 vi. Floating/hanging aquaculture facilities and associated equipment, except
42 navigation aids, shall use colors and materials that blend into the
43 surrounding environment in order to minimize visual impacts.

- vii. Aquaculture use and development shall not materially interfere with navigation, or access to adjacent waterfront properties, public recreation areas, or tribal harvest areas. Mitigation shall be provided to offset such impacts where there is high probability that adverse impact would occur. This provision shall not be interpreted to mean that an operator is required to provide access across owned or leased tidelands at low tide for adjacent upland owners.
- viii. Aquaculture uses and developments shall be located at least six hundred (600) feet from any National Wildlife Refuge, seal and sea lion haulouts, seabird nesting colonies, or other areas identified as critical feeding or migration areas for birds and mammals. The County may approve lesser distances based upon written documentation that US Fish and Wildlife Service (USFWS), Washington Department of Fish and Wildlife (WDFW) and affected tribes support the proposed location.
- ix. Aquaculture use and development shall be sited so that shading and other adverse impacts to existing red/brown macro algae (kelp), and eelgrass beds are avoided.
- x. Aquaculture uses and developments that require attaching structures to the bed or bottomlands shall use anchors, such as helical anchors, that minimize disturbance to substrate.
- xi. Where aquaculture use and development are authorized to use public facilities, such as boat launches or docks, the County shall reserve the right to require the applicant/proponent to pay a portion of the maintenance costs and any required improvements commensurate with the applicant's/proponent's use.
- xii. Structures, apparatus and equipment for aquaculture use and development shall be maintained in sound condition. Abandoned or unsafe structures, apparatus and equipment shall be removed by the owner/applicant/proponent in a timely manner.
- xiii. Aquaculture use and development shall employ non-lethal, non-harmful measures to control birds and mammals. Control methods shall comply with existing federal and state regulations.
- xiv. Aquaculture use and development shall avoid use of chemicals, fertilizers and genetically modified organisms except when allowed by state and federal law.
- xv. Non-navigational directional lighting associated with aquaculture use and development shall be used wherever possible and area lighting should be avoided and minimized to the extent necessary to conduct safe operations. Non-navigational lighting shall not adversely affect vessel traffic.
7. Prior to issuing a permit for any proposed bottom culture or floating/hanging culture use or development, the County may require but is not limited to, the following information:
- i. Anticipated harvest cycles and potential plans for future expansion or change in species grown or harvest practices

- ii. Number, types and dimensions of structures, apparatus or equipment.
 - iii. Predator control methods.
 - iv. Anticipated levels of noise, light, and odor and plans for minimizing their impacts.
8. Prior to approving a permit for floating/hanging aquaculture use and development or bottom culture involving structures, the County may require a visual analysis prepared by the applicant/proponent describing effects on nearby uses and aesthetic qualities of the shoreline. The analysis shall demonstrate that adverse impacts on the character of those areas are effectively mitigated.

3. Commercial Use

A. Policies

1. Commercial development should be located, designed and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.
2. Water-related commercial uses should not displace existing water-dependent uses, and water-enjoyment commercial uses should not displace existing water-related or existing water-dependent uses, unless there are compelling reasons in the public interest.
3. Restoration of impaired shoreline ecological functions and processes should be encouraged as part of commercial development.
4. Commercial development should be visually compatible with adjacent non-commercial properties.
5. Commercial uses located in the shoreline should provide public access in accordance with Article 6 section 3 (Public Access) of this Program.

B. Uses and Activities Prohibited Outright

1. Commercial parking as a primary use shall be prohibited within the shoreline jurisdiction.

C. Shoreline Environment Regulations

1. Priority Aquatic: Commercial use and development is prohibited, except that small-scale, low-intensity water-dependent commercial recreational use and development may be allowed as a conditional use subject to the use and development regulations of the abutting upland shoreline environment designation.
2. Aquatic: Water-dependent and water-related commercial recreational use and development may be allowed subject to the use and development regulations of

the abutting upland shoreline environment designation. Water-enjoyment and non-water-dependent commercial use/development is prohibited.

3. Natural: Commercial use and development is prohibited, except that small-scale, low-intensity water-dependent commercial recreational use and development may be allowed through a conditional use permit.
4. Conservancy: Water-dependent and water-related commercial use and development may be allowed as a conditional use subject to policies and regulations of this Program. Non-water-dependent and non-water-related commercial uses/developments are prohibited, except that small-scale, low-intensity recreational/tourist development/use may be allowed with a conditional use permit provided that a portion of the use/development is water-dependent or water-related.
5. Shoreline Residential: Water-oriented commercial use and development may be allowed subject to policies and regulations of this Program. Non-water-oriented commercial uses may be allowed as a conditional use.
6. High Intensity: Water-oriented commercial use and development may be allowed subject to policies and regulations of this Program. Non-water-oriented commercial uses may be allowed as a conditional use.

D. Regulations – Application Requirements

1. The County shall require proponents of all commercial use and development to provide the following information at the time of permit application:
 - i. Site plans showing the boundaries of the property and any existing structures, indication of existing vegetation and topography, locations of adjacent structures, roads or other infrastructure, and the ordinary high water mark and/or floodway boundary. For comparison, proposed structures and uses shall be overlaid on a site plan of existing conditions; and
 - ii. A description of the specific nature and character of the commercial activity (e.g., water-dependent, water-related, water-enjoyment, non-water-oriented, or mixed-use), including a description of the specific components of the proposal; and
 - iii. A description of the reason for needing a shoreline location; and
 - iv. Any proposed measures to enhance the relationship of the activity to the shoreline; and
 - v. A description of the proposed provisions for providing public visual and/or physical access to the shoreline; and
 - vi. A description of mitigation measures proposed to ensure that the development will not cause significant adverse environmental impacts; and
2. For mixed-use proposals, at least one alternative design depicting an mixture of uses and activities, structural location, site design, bulk and dimensional configuration, and an alternative approach to public visual and physical access to the shoreline

1 E. Regulations – Water-oriented Use/Development

- 2 1. Water-oriented commercial use and development shall be allowed when the
3 proponent demonstrates that it will not result in a net loss of shoreline ecological
4 functions or processes, or have significant adverse impact on other shoreline uses,
5 resources and/or values such as navigation, recreation and public access.
- 6 2. A use or development shall not be considered water-dependent, water-related or
7 water-enjoyment until the County determines that the proposed design, layout and
8 operation of the use/development meet the definition and intent of the water-
9 dependent, water-related or water-enjoyment designation.
- 10 3. Where existing water-oriented commercial uses are located in shoreline
11 jurisdiction, any undeveloped and substantially unaltered portion of the waterfront
12 not devoted to water-dependent use shall be maintained for future water-related
13 use.

14 F. Regulations – Non-water-oriented Use/Development

- 15 1. Non-water-oriented commercial uses are prohibited in shoreline jurisdiction
16 unless they meet the following criteria:
- 17 i. The site is physically separated from the shoreline by another property or
18 public right of way; or
- 19 ii. The use is part of a mixed-use project that includes an associated water-
20 dependent use; or
- 21 iii. Navigability is severely limited at the proposed site; or
- 22 iv. The commercial use provides a significant public benefit in the form of
23 public access and/or ecological restoration.
- 24 2. When permitted pursuant to 8.3.E.1, non-water-oriented uses shall provide public
25 access and/or restore shoreline ecological functions as follows:
- 26 i. When part of a mixed-use development – Eighty percent (80%) of the
27 shoreline buffer area shall be restored to provide shoreline ecological
28 functions and processes that approximate the functions provided by the site
29 in undisturbed or non-degraded conditions.
- 30 ii. When not part of a mixed-use development – The County shall determine
31 the type and extent of public access and restoration on a case-by-case basis
32 according to the opportunities and constraints provided by the site.
- 33 3. The County may waive the requirement to provide public access and/or
34 restoration when:
- 35 i. The site is designated as a public access area by a shoreline public access
36 plan, in which case public access consistent with that plan element shall be
37 provided; or
- 38 ii. The County finds that the size of the parcel and/or the presence of adjacent
39 uses preclude restoration of shoreline ecological functions. In such cases,

1 where on-site restoration is infeasible, equivalent off-site restoration shall be
2 provided consistent with the policies and regulations of this Program.

- 3 4. Where restoration is provided pursuant to this section, buffers protecting the
4 restored area shall be sized and designed as appropriate to protect shoreline
5 resources based on a specific restoration plan. The buffer width may differ from
6 the shoreline buffers required in Article 6 section 1 so as not to encumber adjacent
7 properties, unduly constrain the development site, or create a disincentive for
8 restoration.

9 **4. Forest Practices**

10 **A. Policies**

- 11 1. To be consistent with WAC 173-26-241(3)(e), the County should rely on the
12 Forest Practices Act (RCW 76.09), its implementing rules, and the 1999 Forest
13 and Fish Report as adequate management of commercial forest uses within
14 shoreline jurisdiction, except for forest conversion activities.
- 15 2. Forest lands should be reserved for long-term forest management and other such
16 uses that are compatible with forest management.
- 17 3. Forest practices should maintain natural surface and ground water movement
18 patterns and protect the quality of surface and ground water.
- 19 4. Forest practices should minimize damage to fish and wildlife species and
20 terrestrial, wetland, and aquatic habitats.
- 21 5. Forest practices should aim to maintain or improve the quality of soils and
22 minimize erosion.
- 23 6. Where slopes are steep or soils are subject to sliding, erosion or high water table,
24 special practices should be employed to minimize damage to shoreland and water
25 bodies, and adjacent properties.
- 26 7. Forest practices should be conducted in a manner that minimizes adverse effects
27 on the aesthetic qualities of shorelines.
- 28 8. Proper road and bridge design, location, and construction and maintenance
29 practices should be used to prevent adversely affecting shoreline resources.

30 **B. Shoreline Environment Regulations**

- 31 1. Priority Aquatic: Forest practices are prohibited.
- 32 2. Aquatic: Forest practices are prohibited.
- 33 3. Natural: Forest practices may be allowed subject to the policies and regulations of
34 this Program.
- 35 4. Conservancy: Forest practices may be allowed subject to the policies and
36 regulations of this Program.

5. Shoreline Residential: Forest practices may be allowed subject to the policies and regulations of this Program.
6. High Intensity: Forest practices may be allowed subject to the policies and regulations of this Program.

C. Regulations

1. Timber harvesting and forest practices activities that do not meet the definition of development in Article 2 shall be conducted in accordance with the Washington State Forest Practices Act (RCW 76.09), WAC 222, and the 1999 Forest and Fish Report, and any regulations adopted pursuant thereto.
2. Except as provided in 8.4.D.3, and 8.4.D.4, timber harvesting and forest practices activities that do not meet the definition of development in Article 2 shall not be regulated by this Program and shall not require a shoreline permit.
3. Selective commercial timber cutting on shorelines of statewide significance shall not exceed thirty percent (30%) of the merchantable trees in any ten (10) year period as required by RCW 90.58.150. The County may allow exceptions to the thirty percent (30%) limit with a conditional use permit in accordance with WAC 173-26-241(3)(e).
4. Forest practices roads on slopes that exceed thirty-five percent (35%) shall require a conditional use permit.
5. Other activities associated with timber harvesting, such as filling, excavation, and building roads and structures, that meet the definition of development shall be regulated according to the general provisions (Article 6), shoreline modification provisions (Article 7) and/or the other applicable use-specific provisions (Article 8) of this Program and shall require a shoreline substantial development permit or conditional use permit as specified in this Program.
6. Conversion of forest land to non-forestry uses (Class IV Conversion Forest Practices Permit) shall be reviewed in accordance with the provisions for the proposed non-forestry use and the general provisions in Article 6 and shall be subject to any permit requirements associated with the non-forestry use.

5. Industrial and Port Development

A. Policies

1. In securing shoreline locations for industrial or port development, preference should be given first to water-dependent industrial or port development, then to water-related industrial or port development.
2. Restoration of impaired shoreline ecological functions and processes should be encouraged as part of industrial and port development.

3. Industrial and port development should be visually compatible with adjacent non-commercial properties.
4. Industrial and port uses located in shoreline jurisdiction should provide public access in accordance with Article 6 section 3 (Public Access) of this Program.
5. Shorelines suitable for deep-water harbors with access to adequate rail, highway and utility systems should be reserved for water-dependent or water-related industrial and port development.
6. Port facilities should be designed to allow the public to view harbor areas and should provide public facilities that do not interfere with port operations or endanger public health and safety.
7. Where feasible, transportation and utility corridors serving industrial and port uses should be located away from the water's edge to minimize ecological impacts and to reduce the need for waterfront signs and other infrastructure.
8. Industrial or port development at deep-water sites should be limited to those uses that produce long-term economic benefit and minimize environmental impact.
9. Industrial and port development should be protected from encroachment or interference by incompatible uses such as residential or commercial uses, which have less stringent siting requirements.
10. Private and public entities should be encouraged to cooperatively use piers, cargo handling, storage, parking and other accessory facilities in waterfront industrial/port areas.
11. Log storage is not a desired use of the County's shoreline and should be allowed only when adequate measures are taken to minimize adverse impacts. Upland log storage is preferred over in-water storage.

B. Shoreline Environment Regulations

1. Priority Aquatic: Industrial/port use and development are prohibited.
2. Aquatic: Water-dependent and water-related industrial/port use and development may be allowed as a conditional use, subject to the use and development regulations of the abutting upland shoreline environment designation. Uses and developments that are not water-dependent or water-related are prohibited.
3. Natural: Industrial/port use and development are prohibited.
4. Conservancy: Low intensity water-dependent and water-related industrial/port use and development may be allowed as a conditional use, subject to policies and regulations of this Program. Uses and developments that are not water-dependent or water-related are prohibited, except that industrial/port use and development that meet the criteria in 8.5.E.1 may be allowed as a conditional use.
5. Shoreline Residential: Water-dependent and water-related industrial/port use and development may be allowed subject to policies and regulations of this Program.

1 Uses and developments that are not water-dependent or water-related are
2 prohibited, except that industrial/port use and development that meet the criteria
3 in 8.5.E.1 may be allowed as a conditional use.

- 4 6. High Intensity: Water-dependent and water-related industrial/port use and
5 development may be allowed subject to policies and regulations of this Program.
6 Uses and developments that are not water-dependent or water-related may be
7 allowed as a conditional use.

8 C. Regulations – General

- 9 1. Where industrial and port use/development is allowed, it shall be located,
10 designed, and constructed in a manner that minimizes adverse impacts on the
11 shoreline and shall include mitigation to ensure no net loss of shoreline ecological
12 functions and processes.
- 13 2. Accessory development that does not require a location at or near the water's edge
14 shall be located upland of the water-dependent portions of the development and
15 outside the shoreline buffer.
- 16 3. The County may require an acoustical study and mitigation as needed to address
17 potential noise impacts.
- 18 4. Industrial and port facilities shall minimize direct or reflected glare visible from
19 adjacent properties, streets, or water areas.
- 20 5. Docks, piers, pilings and launching facilities may be permitted accessory to
21 industrial and port development, provided that they serve a water-dependent or
22 water-related use, and comply with Article 7 section 1 (Boating Facilities) of this
23 Program.
- 24 6. Storage or disposal of industrial and port wastes shall be prohibited within
25 shoreline jurisdiction.
- 26 7. Non-water-dependent industrial/port uses may be permitted to occur at facilities
27 previously approved for water-dependent uses under the following conditions:
- 28 i. A specific occupancy plan has been approved that allows interim uses for a
29 specific period while the market for water-dependent uses is being
30 developed and the proposed interim use is consistent with the occupancy
31 plan.
- 32 ii. The period of interim lease or commitment of the space shall not exceed five
33 (5) years. At the end of five (5) years, a new application for interim use
34 shall be submitted.
- 35 iii. The proponent /applicant has made a good faith effort to obtain water-
36 dependent uses. The period of the search for water-dependent uses, the
37 notice of availability, listing or advertising employed, and any inquiries
38 received shall be documented.
- 39 iv. No permanent improvements will be made to the space that require more
40 than five (5) years of occupancy to repay the investment. No permanent

improvements will be made that will reduce the suitability of the space for water-dependent use.

D. Regulations – Water-oriented Use/Development

1. Water-oriented industrial/port use and development shall be allowed when the proponent/applicant demonstrates that it will not cause a net loss of shoreline ecological functions or processes or have significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation and public access.
2. A use or development shall not be considered water-dependent, water-related or water-enjoyment until the County determines that the proposed design, layout and operation of the use/development meet the definition and intent of the water-dependent, water-related or water-enjoyment designation.
3. Where existing water-oriented industrial/port uses are located in shoreline jurisdiction, any undeveloped and substantially unaltered portion of the waterfront not devoted to water-dependent use shall be maintained for future water-related use.
4. Water-dependent industry and port facilities shall be located and designed to minimize the need for initial or recurrent dredging, filling or other harbor and channel maintenance activities.

E. Regulations – Non-water-oriented Use/Development

1. Non-water-oriented industrial/port uses are prohibited in shoreline jurisdiction unless they meet the following criteria:
 - i. The site is physically separated from the shoreline by another property or public right of way; or
 - ii. The use is part of a mixed-use project that includes an associated water-dependent use; or
 - iii. Navigability is severely limited at the proposed site; or
 - iv. The industrial/port use provides a significant public benefit in the form of public access and/or ecological restoration.
2. When permitted pursuant to 8.5.E.1, non-water-oriented uses shall provide public access and/or restore shoreline ecological functions as follows:
 - i. The County shall determine the type and extent of public access and restoration on a case-by-case basis according to the opportunities and constraints provided by the site.
3. The County may waive the requirement to provide public access and/or restoration when:

- i. The site is designated as a public access area by a shoreline public access plan, in which case public access consistent with that plan element shall be provided; or
 - ii. The County finds that the size of the parcel and/or the presence of adjacent uses preclude restoration of shoreline ecological functions. In such cases, where on-site restoration is infeasible, equivalent off-site restoration shall be provided consistent with the policies and regulations of this Program.
4. Where restoration is provided pursuant to this section, buffers on the restored area shall be designed as appropriate to protect shoreline resources based on a specific restoration plan. The buffer width may differ from the shoreline buffers required in Article 6 section 1 so as not to encumber adjacent properties or unduly constrain the development site.
5. Existing non-water-dependent and non-water-related industrial/port development on shorelines may be permitted to expand landward of existing structures. Waterward expansion of existing non-water dependent and non-water related industrial and port development must comply fully with Section 8.5.E.

F. Regulations – Log Storage

1. In-water storage or rafting of logs is prohibited unless all of the following conditions are met:
 - i. There is no feasible upland location; and
 - ii. State water quality standards can be met at all times; and
 - iii. The storage does not create a significant impediment to navigation or substantially interfere with other water dependent uses; and
 - iv. The storage occurs in deep water beyond the photic zone to reduce shading impacts; and
 - v. Overland transportation of logs would cause unacceptable transportation impacts; and
 - vi. Depths are sufficient to prevent grounding; and
 - vii. Easy let-down devices are employed for placing logs in the water. Free-fall or dumping of logs into water shall be prohibited.
2. Dredging to create log storage facilities shall be prohibited.
3. Log storage facilities shall be located in existing developed areas to the greatest extent feasible. If a new log storage facility is proposed along an undeveloped shoreline, an alternatives analysis shall be required.
4. Existing in-water log storage facilities in habitats used by federally listed threatened or endangered species shall be reevaluated if use is discontinued for two (2) years or more or if substantial repair or reconstruction is required.
5. Offshore log storage shall only be allowed on a temporary basis, and should be located where natural tidal or current flushing and water circulation are adequate to disperse potential contaminants/pollutants.

6. Appropriate bark and wood debris control, collection and disposal methods shall be employed at log storage areas, log dumps, raft building areas and mill-side handling zones to prevent wood debris from entering the water.
7. Where water depths will permit the floating of bundled logs, they shall be secured in bundles on land before being placed in the water. Bundles shall not be broken again except on land or at mill-side.

G. Regulations – Ship Building and Repair Yard Regulations

1. Ship and boat building and repair yards shall employ best management practices to control, collect and treat surface runoff to protect the quality of affected waters in accordance with RCW 90.48.
2. Cleaning, surfacing or resurfacing operations occurring over water that may result in the entry of debris into water shall employ tarps temporarily affixed to the hull above the water line. Prior to removing the tarps, the accumulated contents shall be removed and properly disposed of.
3. Impervious pavement is required for ship building and repair yards where the wet season water table is less than four (4) feet below surface level.

H. Regulations – Application Requirements

1. The County shall require proponents of all industrial use and development to provide the following information at the time of permit application:
 - i. Site plans showing the boundaries of the property and any existing structures, indication of existing vegetation and topography, locations of adjacent structures, roads or other infrastructure, and the ordinary high water mark and/or floodway boundary. For comparison, proposed structures and uses shall be overlaid on a site plan of existing conditions; and
 - ii. A description of the specific nature and character of the industrial activity (e.g., water-dependent or water-related), including a description of the specific components of the proposal; and
 - iii. A description of the reason for needing a shoreline location; and
 - iv. Any proposed measures to enhance the relationship of the activity to the shoreline; and
 - v. A description of the proposed provisions for providing public visual and physical access to the shoreline; and
 - vi. A description of potential noise impacts including an acoustical analysis; and
 - vii. A description of mitigation measures including screening, fencing, and other measures to ensure that the development will not cause significant adverse environmental impacts.

6. Mineral Extraction and Processing

A. Policies

1. Mineral extraction and processing should not interfere with public access or recreation on the shoreline.
2. Mineral extraction and processing should be located and operated so as to provide long-term protection of water quality, fish and wildlife species, and fish and wildlife habitat.
3. Mineral extraction and processing should only be permitted when the proponent provides appropriate studies and detailed operation plans demonstrating that:
 - i. Fish habitat, upland habitat and water quality will not be adversely affected;
 - ii. The operation will not adversely affect geo-hydraulic processes, channel alignment, nor increase bank erosion or flood damages.
 - iii. The operation will provide all feasible measures to protect aquatic resources and anadromous fisheries from pollution related to mineral extraction and processing including but not limited to: Sedimentation and siltation; chemical use and spillage, and storage of disposal of wastes and spoils.
4. Mineral extraction and processing operations should be located, designed, and managed so that adjoining properties do not experience adverse impacts from noise, dust or other effects of the operation. The mine operator should be required to implement mitigation measures to minimize adverse proximity impacts.
5. Mineral extraction and processing proposals that result in the creation, restoration, or enhancement of habitat for priority species are preferred over proposals that do not create or improve priority habitat.
6. Prior to approving mineral extraction and processing activities in shoreline jurisdiction, the applicant/proponent must show that mineral extraction and processing use/development is dependent on a shoreline location, and that demand cannot reasonably be accommodated in operations outside shoreline jurisdiction.

B. Shoreline Environment Regulations

1. Priority Aquatic: Mineral extraction and processing use and development are prohibited.
 2. Aquatic: Mineral extraction and processing use and development may be allowed as a conditional use subject to the policies and regulations of this Master Program, subject to the use and development regulations of the abutting upland shoreline environment designation.
 3. Natural: Mineral extraction and processing use and development are prohibited.
 4. Conservancy: Mineral extraction and processing use and development may be allowed as a conditional use subject to the policies and regulations of this Master Program.
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5. Shoreline Residential: Mineral extraction and processing use and development are prohibited.
6. High Intensity: Mineral extraction and processing use and development may be allowed as a conditional use.

C. Regulations

1. The extraction of quarry rock, sand, gravel, and/or cobbles from any marine or freshwater lake shoreline for any commercial or industrial purpose is prohibited.
2. Mineral extraction and processing within an active channel or waterward of the ordinary high water mark of a river are prohibited.
3. All mineral extraction activities shall be conducted to ensure compliance with the Washington State Surface Mining Act (RCW 78.44), with JCC Chapter 18.20.240, and with the no net loss provisions of this Program.
4. The regulations contained in this section shall apply to the extraction, primary processing and transport of naturally occurring materials. For the purposes of this section, primary processing shall be construed to include screening, crushing, and stockpiling of materials removed from the site where the processing activity is located. Transport of minerals shall include conveyor systems and barge terminals that are specifically dedicated to transport of mined materials from the site to the marketplace.
5. No material or equipment shall be placed in water bodies, critical areas, or floodways and shall be stored so as to prevent erosion or seepage to surface and ground waters.
6. To minimize noise and other adverse impacts, a buffer of at least one hundred (100) feet wide shall be maintained between any mining site, including accessory facilities, and adjacent properties not used for mining operations. The buffer shall consist of undisturbed soils and native vegetation and shall only include land owned or leased by the mine operator.
7. The proposed subsequent use of reclaimed mined property shall be consistent with the provisions of the environment designation in which the property is located and that reclamation of disturbed shoreline areas shall provide appropriate ecological processes and functions consistent with the setting. Approved reclamation programs shall be initiated within sixty (60) days following the completion of the mineral extraction operations.
8. Equipment or apparatus associated with mining operations such as machinery, machine parts, filters, grease and oil containers and rope shall be removed in a timely manner to an appropriate upland location. Proposals for mineral extraction and processing shall be accompanied by a report prepared by a licensed professional geotechnical engineer that includes a description of all of the following:

- i. Types of materials present on the site;
- ii. Quantity and quality of each material;
- iii. Lateral extent and depth of mineral deposits;
- iv. Depth of overburden and proposed depth of mining;
- v. Cross section diagrams indicating present and proposed elevations and/or extraction levels;
- vi. Existing drainage patterns, seasonal or continuous, and proposed alterations to drainage patterns;
- vii. Proposed means of controlling surface runoff and preventing or minimizing erosion and sedimentation;
- viii. The location and sensitivity of any affected flood hazard areas;
- ix. The overall mineral extraction and processing plan, including scheduling, seasonal changes in activity levels, and daily operation schedules;
- x. Proposed screening, buffering or fencing plans consistent with the requirements of this Program;
- xi. Anticipated impacts to aquatic and riparian habitat; measures to mitigate or offset adverse impacts; and
- xii. A proposed reclamation plan that, at a minimum, meets the requirements of Chapter 78.44 RCW.

7. Recreation

A. Policies

1. Public recreation on public lands is a preferred use of the shoreline. Recreational uses and developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline are preferred. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment of the shoreline for a substantial number of people.
2. Jefferson County should develop a comprehensive shoreline public access plan in collaboration with federal, state, and local organizations whose missions include facilitating public access and recreation opportunities.
3. Recreational use and development should facilitate appropriate use of shoreline resources while also conserving them.
4. Linkages between shoreline parks, recreation areas and public access points with linear systems (e.g., water trails, hiking paths, bicycle paths, easements and/or scenic drives) should be provided where feasible.
5. Recreation facilities should incorporate adequate orientation information and public education regarding shoreline ecological functions and processes, the effect of human actions on the environment and the importance of public involvement in shoreline management. Opportunities to incorporate educational and interpretive

information should be pursued in design and operation of recreation facilities and other amenities such as nature trails.

6. Recreational use and development should be supported by adequate utility and road facilities, or located where such facilities may be provided without significant damage to shore features commensurate with the number and concentration of anticipated users.
7. The County should encourage the use of street ends and publicly owned lands for shoreline public access to and development of recreational opportunities.
8. Recreation use and development should be located and designed in a manner that is compatible with the surrounding properties.
9. Recreational developments are encouraged to use low impact development techniques including but not limited to pervious pavements, to minimize effects associated with stormwater runoff.

B. Shoreline Environment Regulations

1. Priority Aquatic: Water-oriented recreational use and development is allowed subject to the regulations of the abutting upland shoreline environment designation. Underwater parks may be allowed as a conditional use. Non-water-oriented recreation is prohibited.
2. Aquatic: Water-oriented recreational use and development is allowed subject to the regulations of the abutting upland shoreline environment designation. Underwater parks may be allowed as a conditional use. Non-water-oriented recreation is prohibited.
3. Natural: Non-water-oriented recreation is prohibited. Low-intensity water-oriented recreational use and development may be allowed subject to policies and regulations of this Program and the following criteria:
 - i. Essential minor structures such as trails, stairs, small picnic areas, primitive roads, viewpoints, restrooms or other appropriate sanitary facilities, interpretive facilities, or development that will not adversely affect shoreline ecological functions and processes are permitted, subject to policies and regulations of this Master Program.
 - ii. Any necessary landscaping shall use native vegetation.
 - iii. Recreational development requiring extensive structures or substantial alterations to topography or native vegetation is prohibited.
4. Conservancy: Non-water-oriented recreation is prohibited. Low-intensity water-oriented recreational use and development is allowed subject to policies and regulations of this Program and the following criteria:
 - i. Structures on sites of one (1) acre or less shall not result in more than five percent (5%) building coverage, and total impervious surface shall not exceed ten percent (10%).

- ii. Structures on sites greater than one (1) acre will not result in more than ten percent (10%) building coverage, and total impervious surface will not exceed twenty percent (20%).
 - iii. Alteration of topography shall be limited to the minimum necessary to accommodate allowed use and development.
 - iv. Recreational use and development will not result in visitor patterns that degrade shoreline ecological functions.
5. Shoreline Residential: Water-oriented recreational use and development is allowed subject to the policies and regulations of this Master Program. Non-water-oriented recreation is prohibited.
 6. High Intensity: Water-oriented recreational use and development is allowed subject to the policies and regulations of this Master Program. Non-water-oriented recreation is prohibited.

C. Regulations

1. Water-oriented recreational use/development is a preferred use of the shoreline and shall be allowed when the proponent demonstrates that it will not result in a net loss of shoreline ecological functions or processes or have significant adverse impact on other shoreline uses, resources and/or values such as navigation and public access.
2. Recreation areas or facilities on the shoreline shall provide physical or visual public access consistent with Article 6 section 3 (Public Access) of this Program.
3. Underwater parks may be permitted when properly sited and associated with adequate access, restroom facilities and parking. Underwater parks should be located adjacent to existing parks where feasible.
4. Non-water-oriented recreational facilities with playing fields or with extensive impervious surfaces are not preferred, and if permitted shall incorporate Best Management Practices (BMPs) to prevent erosion, control the amount of runoff and prevent harmful concentrations of chemicals and sediment from entering water bodies.
5. New recreational use/development shall be located landward of the shoreline buffers required by this Program except that components of the recreational use or development that are water-dependent or water-related may be allowed within the shoreline buffer.
6. Signs indicating the public's right to access shoreline areas shall be installed and maintained in conspicuous locations at recreational facility points of access and entrances.
7. When a public recreation site abuts private property/tidelands, signs and other similar markers shall also indicate geographic limits of public access to minimize conflicts with adjacent use/development.

8. Where appropriate, recreational development proposals shall include provisions for non-motorized access to the shoreline (e.g., pedestrian, water access and bicycle paths).
9. Proposals for recreational use and development that involve any clearing, grading or impervious surface shall include a landscape plan that uses species approved by the County. Native, self-sustaining vegetation shall be used as often as possible. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of campsites, selected view-points or other permitted structures or facilities and shall be subject to Article 6 section 4 (Vegetation Conservation) of this Program.
10. Proposals for recreational development shall include adequate facilities for water supply, sewage and garbage disposal, and recycling commensurate with the intensity of the proposed use. Remotely located sites shall encourage visitors to implement Best Management Practices (BMPs) such as the Tread Lightly and Leave No Trace principles of low impact recreation.
11. Recreational use and development shall incorporate appropriate mitigation to minimize light and noise impacts on adjoining land uses. Such measure shall include, but not be limited to, fencing, screening, and related measures.

8. Residential

A. Policies

1. Residential use is not water-dependent but is a preferred use of the shorelines when such development is planned and carried out in a manner that protects shoreline functions and processes to be consistent with the no net loss provisions of this Program.
2. All residential use and development should be planned, designed, located, and operated to avoid adverse impacts on shoreline processes, aquatic habitat, biological functions, water quality and quantity, aesthetics, navigation, and neighboring uses.
3. Clustering of dwelling units and accessory structures should be implemented to preserve natural features, minimize physical impacts and reduce utility and road construction and maintenance costs.
4. New residential development should be planned and built in a manner that avoids the need for structural shore armoring and flood hazard reduction
5. Residential development should be designed to:
 - i. Maintain or improve ecological functions and processes; and
 - ii. Preserve and enhance native shoreline vegetation; and
 - iii. Control erosion; and
 - iv. Protect water quality; and
 - v. Preserve shoreline aesthetic characteristics; and

- vi. Minimize structural obstructions to public views and normal public use of the shoreline and the water.
6. Creation of new residential lots through land division should be designed, configured and developed to ensure that no net loss of ecological functions and processes occurs from the plat or subdivision, even when all lots are fully built-out.
7. Residential developments are encouraged, but not required, to provide public access to the shoreline.
8. Whenever possible, non-regulatory methods to protect, enhance, and restore shoreline ecological functions should be encouraged for residential development.

B. Shoreline Environment Regulations

1. Priority Aquatic: Residential development is prohibited.
2. Aquatic: Residential development is prohibited.
3. Natural: Residential development consisting of one (1) single-family residence per existing legal lot of record may be allowed as a conditional use.
4. Conservancy: Single-family and duplex development may be allowed subject to policies and regulations of this Program. All other residential development may be allowed as a conditional use.
5. Shoreline Residential: Residential development is allowed subject to the policies and regulations of this Master Program.
6. High Intensity: Residential development is allowed subject to the policies and regulations of this Master Program.

C. Regulations – Primary Residences

1. Residential use and development shall be planned, designed, located, and operated to avoid adverse impacts on shoreline processes, aquatic habitat, biological functions, water quality, aesthetics, navigation, and neighboring uses.
2. The following types of residential development shall be prohibited:
 - i. Residential structures located on marshes bogs, swamps, lagoons, tidelands, ecologically sensitive areas or water areas subject to this master program.
 - ii. Residential structures located upon geologically hazardous areas or floodways.
 - iii. Overwater or floating residential developments.
3. The following types of land division shall be prohibited in shoreline jurisdiction:
 - i. When structural shore armoring or flood hazard reduction would be required to create buildable land; or

- 1 ii. When it is reasonably foreseeable that future development would require
2 structural shoreline armoring or flood control during the useful life of the
3 development or one hundred (100) years, whichever is greater.
- 4 4. The buffer requirements in Article 6 of this Program apply to residences, except
5 that docks, floats, and pedestrian beach access structures and other water-
6 dependent and water-related structures accessory to residential use may be
7 permitted to encroach into the buffer in accordance with the applicable provisions
8 of this Program.
- 9 5. Subdivision of property shall not be allowed in a configuration that will require
10 significant vegetation removal or shoreline modification, or result in a net loss of
11 shoreline ecological functions and processes at the time of development of the
12 subdivision and/or use of each new parcel.
- 13 6. Cluster development and appropriate low impact development practices shall be
14 required for development sites constrained by critical areas and/or shoreline
15 buffers.
- 16 7. New or expanded subdivisions and planned unit developments comprised of four
17 (4) or more lots or units shall provide public access to publicly owned shorelines
18 or public water bodies unless:
- 19 i. The site is designated in a shoreline public access plan for a greater
20 component of public access; or
21 ii. The public access is demonstrated to be infeasible or inappropriate.
- 22 8. New or amended subdivisions, except those for lot line adjustment and lot
23 consolidation purposes, shall provide public access as provided for in Article 6.
- 24 9. The type and configuration of public access required for multi-unit/multi-lot
25 residential development shall depend on the proposed use(s) and the following
26 criteria:
- 27 i. Subdivisions within shoreline jurisdiction that have views of water areas
28 shall at a minimum provide an area from which the public can view the
29 shoreline.
30 ii. Subdivisions adjacent to public waterways or tidelands shall provide
31 physical access to public waters/tidelands that are accessible at low tide or
32 low water.

33 D. Regulations – Accessory Structures/Uses

- 34 1. Accessory dwelling units may be permitted when the primary residential use is
35 allowed pursuant to, and only when, other provisions of this Program are met. In-
36 water or overwater residences/dwelling units shall be prohibited.
- 37 2. Accessory structures and uses such as boating facilities, pedestrian beach access
38 structures, shore armoring and shore stabilization shall be subject to the applicable
39 provisions of Article 7.

3. A shoreline substantial development permits or conditional use permit shall be required for all accessory development that is not considered a normal appurtenance.

9. Signs

A. Policies

1. Signs should be located, designed and maintained to be visually compatible with local shoreline scenery as seen from both land and water, especially on shorelines of statewide significance.
2. Sign location and design should not significantly impair shoreline views.
3. To avoid continued proliferation of single purpose signs, communities, districts, and/or multi-use or multi-tenant commercial developments are encouraged to erect single, common use gateway signs to identify and give directions to local premises and public facilities.
4. Signs of a commercial or industrial nature should be limited to those areas or premises to which the sign messages refer.
5. Billboards and other off-premise signs should not be located on shorelines except for approved community gateway or directional signs.
6. Signs near scenic vistas and view points should be restricted in number, location, and height so that enjoyment of these areas is not impaired.
7. Free-standing signs should be located to avoid blocking scenic views and be located on the landward side of public transportation routes which generally parallel the shoreline.
8. To minimize negative visual impacts and obstructions to shoreline access and use, low profile, on-premise wall signs are strongly preferred over free-standing signs or off-premises wall signs.
9. Signs should be designed mainly to identify the premises and nature of enterprise without unduly distracting uninterested passers-by.

B. Shoreline Environment Regulations

1. Priority Aquatic: Only wall signs and low profile free-standing signs under thirty (30) inches in height for water-dependent uses may be allowed subject to the use and development regulations of the abutting upland shoreline environment designation. No one premise may maintain more than two (2) signs in a Priority Aquatic shoreline area.
2. Aquatic: Only wall signs and low profile free-standing signs under thirty (30) inches in height for water-dependent uses may be allowed subject to the use and development regulations of the abutting upland shoreline environment

1 designation. No one premise may maintain more than two (2) signs in an
2 Aquatic shoreline area.

- 3 3. Natural: Sign development is prohibited, except for trail marking, hazard
4 warnings, or interpretive scientific or educational purposes and personal signs.
5 Such allowed signs shall be limited in size and number to those required to
6 affect their purpose.
- 7 4. Conservancy: Signs may be permitted subject to the policies and regulations
8 of this Master Program.
- 9 5. Shoreline Residential: Signs may be allowed subject to the policies and
10 regulations of this Master Program.
- 11 6. High Intensity: Signs may be allowed subject to the policies and regulations of
12 this Master Program.

13 C. Regulations

- 14 1. Signs shall comply with JCC Chapter 18.30.150.
- 15 2. Plans and designs for non-exempt signs must be submitted for review at the
16 time of shoreline permit application.
- 17 3. All signs shall be located and designed to minimize interference with vistas,
18 viewpoints, and visual access to the shoreline.
- 19 4. Overwater signs or signs on floats or pilings shall be prohibited, except when
20 related to navigation or a water-dependent use.
- 21 5. Illuminated signs shall be hooded, shaded, or directed so as to eliminate glare
22 when viewed from surrounding properties or watercourses.
- 23 6. No signs shall be placed in view corridors required as a condition of permit
24 approval under this Master Program.
- 25 7. The following types of signs may be permitted, subject to the provisions
26 contained within this section:
 - 27 i. Water navigational signs and highway and railroad signs necessary for
28 operation, safety and direction;
 - 29 ii. Public information/interpretive signs directly relating to a shoreline
30 resource, use or activity;
 - 31 iii. Off-premise, free signs for community identification, information, or
32 directional purposes;
 - 33 iv. Signs with changing messages, provided that the information displayed
34 is limited to time, temperature or date or public non-commercial
35 messages;
 - 36 v. National, state or institutional flags or temporary decorations customary
37 for special holidays and similar events of a public nature; and

- vi. Temporary directional signs to public or quasi-public events if removed within ten (10) days following the event.
- 8. The following types of signs are prohibited:
 - i. Signs that impair visual access through view corridors;
 - ii. Off-premises, detached outdoor advertising signs;
 - iii. Signs that incorporate spinners, streamers, pennants, flashing or blinking lights and moving devices, except for public highway and railroad signs;
 - iv. Signs placed on trees or other natural features; and
 - v. Commercial signs for products, services or facilities located off-site.

10. Transportation

A. Policies

1. Major new roads, railroads and parking areas should be located outside of the shoreline jurisdiction whenever feasible.
2. Maintenance and repair of existing roads in shoreline jurisdiction shall use all reasonable methods to minimize adverse impacts on nearby shorelines.
3. Road and railroad locations should be planned to fit the topographical characteristics of the shoreline to minimize alterations to natural shoreline conditions.
4. New transportation facilities should be designed and located to minimize the need for the following:
 - i. Structural shoreline protection measures;
 - ii. Modifications to natural drainage systems; and
 - iii. Waterway crossings.
5. Planning for transportation and circulation corridors shall consider location of public access facilities, and be designed to promote safe and convenient access to those facilities.
6. Pedestrian trails and bicycle paths along shorelines are encouraged where they are compatible with the natural character, resources, and ecology of the shoreline.
7. When transportation corridors are necessary within shoreline jurisdiction, joint-use corridors are preferred and encouraged for roads, utilities, and motorized forms of transportation/circulation.
8. Parking in shoreline areas should be limited to that which directly serves a permitted shoreline use.
9. Parking facilities should be located and designed to minimize adverse environmental impacts to the following, including, but not limited to:
 - i. Stormwater runoff;

- ii. Water quality;
- iii. Visual qualities;
- iv. Public access; and
- v. Vegetation and habitat.

- 10. Parking areas should be planned to achieve optimum use. Where feasible, parking areas should serve more than one use (e.g., recreational use on weekends, commercial use on weekdays).
- 11. Public transportation facilities should employ pervious materials and other appropriate low impact development techniques where soils and geologic conditions are suitable and where such measures could measurably reduce stormwater runoff.

B. Shoreline Environment Regulations

- 1. Priority Aquatic: Transportation facilities that provide access to water-dependent or water-related uses may be allowed as a conditional use subject to the use and development regulations of the abutting upland shoreline environment designation. New or expanded stream crossings serving non-water-dependent or non-water-related uses may be allowed as a conditional use subject to the use and development regulations of the abutting upland shoreline environment designation.
- 2. Aquatic: Transportation facilities that provide access to water-dependent or water-related uses may be allowed as a conditional use subject to the use and development regulations of the abutting upland shoreline environment designation. New or expanded stream crossings for non-water-dependent or non-water-related uses may be allowed as a conditional use subject to the use and development regulations of the abutting upland shoreline environment designation.
- 3. Natural: Transportation facilities are prohibited, except to access approved public recreational development.
- 4. Conservancy: Transportation facilities may be allowed subject to policies and regulations of this Program. Transportation facilities not serving a specific approved use, including roads, railways, and parking areas, may be allowed as a conditional use provided there is no feasible location outside of the shoreline.
- 5. Shoreline Residential: Transportation facilities may be allowed subject to policies and regulations of this Program. Transportation facilities not serving a specific approved use, including roads, railways, and parking areas, may be allowed as a conditional use provided there is no feasible location outside of the shoreline.
- 6. High Intensity: Transportation facilities may be allowed subject to policies and regulations of this Program. Transportation facilities not serving a specific

approved use, including roads, railways, and parking areas, may be allowed as a conditional use provided there is no feasible location outside of the shoreline.

C. Regulations – Design and Operation

1. Transportation facilities in shoreline jurisdiction shall be designed to generally follow natural topography, to minimize cuts and/or fills, to avoid adverse impacts to shoreline ecological functions and processes. Wherever roads or railway embankments cross waterways including remnant stream channels and oxbow bends, crossings of ample cross-section shall be provided to span the feature.
2. Raised arterial roads or railways shall be built outside the floodway except for necessary crossings. If built in the floodway fringe, such routes should be aligned generally parallel to outside stream bends so they will also act as setback levees. Any parking areas required along such roads shall be located to prevent or minimize the need for flood control or shoreline armoring. Local access roads in floodplains shall be built so that floodwaters are not abnormally obstructed nor diverted.
3. Transportation facilities shall be designed so that no significant loss of floodway capacity nor measurable increase in predictable flood levels will result. Such facilities shall avoid placing structures within the channel migration zone or any dynamic, shifting channel area.
4. In instances where water crossing is required, roads shall cross shoreline areas and water bodies by the shortest, most direct route feasible unless such route would cause more damage to the environment.
5. Bridge supports and abutments shall be designed and spaced so they do not act as walls baffling or blocking flood waters, or interrupting stream channel processes or littoral drift.
6. Bridges or bottomless culverts or other similar structures shall be used in accordance with WDFW guidance to protect shoreline ecological functions and processes. Bridge approaches in floodways shall be constructed on open piling, support piers, or other similar measures to preserve hydraulic processes.
7. Parking facilities shall only be permitted in shoreline jurisdiction to support an authorized use where it can be demonstrated that there are no feasible alternative locations away from the shoreline.
8. Transportation facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Elements within or over water shall be constructed of materials approved by applicable state agencies for use in water for both submerged portions and other components to avoid discharge of pollutants from splash,

1 rain or runoff. Wood or pilings treated with creosote, pentachlorophenol or
2 other similarly toxic materials are prohibited. Preferred materials are concrete
3 and steel.

4 9. Transportation development shall be carried out in a manner that maintains or
5 improves state water quality standards for affected waters.

6 10. Pervious materials and low impact development techniques shall be used to
7 manage stormwater runoff where feasible and where conditions are
8 appropriate.

9 11. Non-emergency construction and repair work shall be scheduled for that time
10 of year when seasonal conditions (weather, streamflow) permit optimum
11 feasible protection of shoreline ecological functions and processes.

12 12. Transportation shall be required to make joint use of rights of way and to
13 consolidate crossings of water bodies where adverse impact to the shoreline
14 can be minimized by doing so.

15 13. Roads and railroads shall be located to minimize the need for routing surface
16 waters into and through culverts.

17 D. Regulations – Parking

18 1. Parking as a primary use shall be prohibited within shoreline jurisdiction.

19 2. Parking is prohibited on structures located in- or over-water.

20 3. Parking facilities are not a preferred use of the shoreline and are not water-
21 dependent. Parking shall only be permitted in shoreline jurisdiction when
22 necessary to support an authorized use where it can be demonstrated that there
23 are no feasible alternative locations away from the shoreline. Parking facilities
24 shall be buffered from the water's edge and less intense adjacent land uses by
25 vegetation, undeveloped space, or structures developed for the authorized
26 primary use to the maximum practicable extent.

27 4. Parking areas shall be developed using low impact development techniques
28 whenever possible including but not limited to the use of permeable surfacing
29 materials.

30 5. Parking facilities shall be designed and located to minimize adverse impacts
31 upon abutting properties. Landscaping shall consist of County-approved
32 vegetation species planted prior to completion of the parking area. Landscape
33 plantings shall be selected, planted and maintained to provide effective
34 screening within three (3) years of project completion and through maturity of
35 the species.

36 6. Parking facilities serving individual buildings shall be located landward of the
37 principal building being served, except when the parking facility is located
38 within or beneath the structure and is adequately screened, or in cases when an
39 alternate location would have less environmental impact on the shoreline.

7. Parking facilities for shoreline uses shall be designed to provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
8. Parking facilities shall be provided with facilities adequate to prevent surface water runoff from contaminating water bodies, using best available technologies. A parking facility maintenance program shall be required to assure the proper functioning of drainage facilities over time.

11. Utilities

A. Policies

1. New public or private utilities should be located inland from the land/water interface, preferably outside of the shoreline, unless:
 - i. The utility requires a location adjacent to the water; or
 - ii. Alternative locations are infeasible; or
 - iii. Utilities are required for permitted shoreline uses consistent with this Program.
2. Utilities should be located and designed to avoid public recreation and public access areas and significant historic, archaeological, cultural, scientific or educational resources.
3. Pipeline and cable development should be designed and sited to avoid crossing aquatic lands. If a water crossing is unavoidable, it should be located in an area that will cause the least adverse ecological impact, be installed using the methods that minimize adverse impacts, and be the shortest length feasible.
4. Utility facilities of all kinds that would require periodic maintenance activities should avoid shoreline locations to prevent disruption of shoreline ecological functions.
5. New utilities should use existing transportation and utility sites, rights-of-way and corridors, rather than creating new corridors.
6. New utility installations should be planned, designed and located to eliminate the need for structural shoreline armoring or flood hazard reduction measures.
7. Utility facilities and corridors should be planned, designed and located to protect scenic views. Where feasible, conveyance utilities should be placed underground or alongside or under bridges, unless doing so would cause greater ecological impact or harm.
8. Power generating facilities and other utilities using emerging technologies such as tidal energy generators should be carefully evaluated to ensure that the potential impacts are fully understood. Before approving such facilities, the County should consider whether the benefits to the public outweigh the

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potential impacts. The County should ensure such facilities are designed and located to protect ecological functions and shoreline resources.

1 B. Shoreline Environment Regulations

2 1. Priority Aquatic:

- 3 i. Submarine electrical and communications cables, water lines, sewer
4 lines, fuel pipelines, sewer outfalls, overwater public utility lines
5 consisting of local distribution lines, water intakes, and desalinization
6 facility intakes/outfalls may be allowed as conditional uses subject to
7 policies and regulations of this Program and subject to the use and
8 development regulations of the abutting upland shoreline environment
9 designation.
- 10 ii. All other utility development is prohibited.

11 2. Aquatic:

- 12 i. Submarine electrical and communications cables, water lines, sewer
13 lines, fuel pipelines, sewer outfalls, overwater public utility lines
14 consisting of local distribution lines, water intakes, and desalinization
15 facility intakes/outfalls may be allowed as conditional uses subject to
16 policies and regulations of this Program and subject to the use and
17 development regulations of the abutting upland shoreline environment
18 designation.
- 19 ii. Submarine water and sewer lines, fuel pipelines, and sewer outfalls may
20 be allowed as conditional uses subject to the use and development
21 regulations of the abutting upland shoreline environment designation.
- 22 iii. Tidal generating facilities may be allowed as a conditional use.
- 23 iv. All other utility development is prohibited.

24 3. Natural:

- 25 i. Utility development is prohibited.
- 26 ii. Maintenance of existing utilities is allowed provided that the operator
27 makes every effort to protect shoreline ecological functions and the
28 natural features therein. Removal of existing utilities is preferred over
29 time.
- 30 iii. Utilities accessory to and serving permitted uses are allowed.

31 4. Conservancy: Utility development consisting of local distribution facilities is
32 allowed subject to policies and regulations of this Program. The following
33 may be allowed as a conditional use, provided there is no feasible location
34 outside shoreline jurisdiction: sewage outfalls and treatment plants, overwater
35 communication or power lines, fuel pipelines, and other types of hazardous
36 material pipelines, regional facilities, including transmission facilities serving
37 customers outside of Jefferson County, desalinization facilities, and power
38 generating facilities. Freestanding communication towers are prohibited.

39 5. Shoreline Residential: Utility development consisting of local distribution
40 facilities is allowed subject to policies and regulations of this Program. The
41 following may be allowed as a conditional use, provided there is no feasible

location outside shoreline jurisdiction: regional facilities, including transmission facilities serving customers outside of Jefferson County, desalinization facilities, and power generating facilities.

6. High Intensity: Utility development consisting of local distribution facilities is allowed subject to policies and regulations of this Program. The following may be allowed as a conditional use, provided there is no feasible location outside shoreline jurisdiction: regional facilities, including transmission facilities serving customers outside of Jefferson County, desalinization facilities, and power generating facilities.

C. Regulations – General

1. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, except in situations where no other feasible alternative exists. In those limited instances when permitted, automatic shut-off valves shall be provided on both sides of the water body.
2. Utilities that are not water-dependent shall be located away from shorelines unless it is demonstrated that alternative locations and alternative technology are infeasible.
3. The construction, operation and maintenance of utilities shall not cause a net loss of shoreline ecological functions or processes or adversely impact other shoreline resources and values.
4. The following information shall be required for all proposals for utility facilities:
 - i. A description of the proposed facilities; and
 - ii. The rationale and justification for siting the proposed facility within shoreline jurisdiction; and
 - iii. A discussion of alternative locations considered and reasons for their elimination; and
 - iv. A description of the location of other utility facilities in the vicinity of the proposed project and any plans to include facilities or other types of utilities in the project; and
 - v. A plan for the reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the facility; and
 - vi. A plan for the control of erosion and turbidity during construction and operation; and
 - vii. An analysis of alternative technologies; and
 - viii. Documentation that utilities avoid public recreation areas and significant natural, historic or archaeological or cultural sites or that no alternative is feasible and that all feasible measures to reduce harm have been incorporated into the proposal.

5. When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas.
6. Utility facilities shall be constructed using techniques that minimize the need for shoreline fill. When crossing water bodies, pipelines and other utility facilities shall use pier or open pile construction.
7. Vegetation clearing during utility installation or maintenance shall be minimized, and disturbed areas shall be restored or enhanced following project completion consistent with the requirements of this Program.

D. Regulations – Water Systems

1. Components of water systems that are not water-dependent shall be located away from the shoreline. Private and public intake facilities should be located where there will be no net loss in ecological functions or adverse impacts upon shoreline resources, values, natural features, or other users.
2. Desalinization facilities shall be located outside of critical areas and landward of shoreline buffers, except for water-dependent components such as water intakes.

E. Regulations – Essential Public Facilities

1. Essential public facilities shall be located, developed, managed, and maintained in a manner that protects shoreline ecological functions and processes.
2. Essential public facilities shall be designed to enhance shoreline public access and aesthetics.
3. Essential public facilities shall be located outside of shoreline jurisdiction unless they require a waterfront location or unless there is no feasible alternative.

F. Regulations – Sewage Systems

1. Outfall pipelines and diffusers are water-dependent but should be located only where there will be minimal adverse effects on shoreline ecological functions and processes or adverse impacts upon shoreline resources and values.
2. Septic tanks and drain fields are prohibited where public sewer is readily available.

G. Regulations – Solid Waste Facilities

1. Facilities for processing and storage and disposal of solid waste are not normally water-dependent. Components that are not water-dependent shall not be permitted on shorelines.

2. Disposal of solid waste on shorelines or in water bodies has potential for severe adverse effects upon ecological processes and functions, property values, public health, natural resources, and local aesthetic values, and shall not be permitted.
3. Temporary storage of solid waste in suitable receptacles is permitted as accessory to a permitted primary use or for litter control.

H. Regulations – Oil, Gas and Natural Gas Transmission

1. Oil, gas and natural gas transmission and distribution pipelines and related facilities shall not be located in shoreline areas unless alternatives are demonstrated to be infeasible.
2. Local natural gas service lines shall not be located in shoreline areas unless serving approved shoreline uses. Crossings of shorelines shall not be approved unless alternatives are demonstrated to be infeasible.
3. Developers and operators of pipelines and related facilities for gas and oil shall be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions.

I. Regulations – Electrical Energy and Communication Systems

1. Energy and communication systems including substations, towers, and transmission and distribution lines have critical location requirements, but are not normally water-dependent. Systems components that are not water-dependent shall not be located on shorelines unless alternatives are infeasible.
2. Underground placement of lines shall be required for new or replacement lines that are parallel to the shoreline, and do not cross water bodies. New or replacement lines that cross water or critical areas may be required to be placed underground depending on impacts on ecological functions and processes and visual impacts. Poles or supports treated with creosote or other wood preservatives that may be mobile in water shall not be used along shorelines or associated wetlands.

J. Regulations – Power Generation Facilities

1. Power generation facilities involving emerging technologies such as tidal energy shall not be permitted until and unless the County determines that the adverse effects can be fully mitigated and the public benefits clearly outweigh the risks to the shoreline environment.

ARTICLE 9 – PERMIT CRITERIA AND EXEMPTIONS

1. Substantial Development Permit Criteria

- A. To be authorized, all uses and developments shall be planned and carried out in a manner that is consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.

2. Exemptions from Shoreline Substantial Development Permit Process

- A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
- B. An exemption from the substantial development permit process is not an exemption from compliance with the Act or this Program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Program and the Act.
- C. A use or development or use that is listed as a conditional use pursuant to this Program or is an unlisted use or development, must obtain a conditional use permit even if the development or use does not require a substantial development permit.
- D. When a development or use is proposed that does not comply with the bulk, dimensional and/or performance standards of the Program, such development or use shall only be authorized by approval of a shoreline variance even if the development or use does not require a substantial development permit.
- E. The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.
- F. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
- G. All permits or statements of exemption issued for development or use within shoreline jurisdiction shall include a written findings prepared by the Administrator, including compliance with bulk and dimensional standards and policies and regulations of this Program. The Administrator may attach conditions to the approval of exempt developments and/or uses as necessary to assure consistency of the project with the Act and the Program.

3. Exemptions Listed

A. The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit in accordance with RCW 90.58.030 and WAC 173-27-040.

1. Fair Market Value - Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand seven hundred eighteen dollars (\$5,718), if such development does not materially interfere with the normal public use of the water or shorelines of the state. For the purpose of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
2. Maintenance & Repair - Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. Normal maintenance includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal repair means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or the environment.
3. Residential Bulkhead - Construction of the normal protective bulkhead common to single-family residences. A normal protective bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used for backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineering erosion control

1 projects may be considered a normal protective bulkhead when any structural
2 elements are consistent with the above requirements and when the project has
3 been approved by the Washington Department of Fish and Wildlife.

- 4 4. Emergency Construction - Emergency construction necessary to protect property
5 from damage by the elements. An emergency is an unanticipated and imminent
6 threat to public health, safety or the environment that requires immediate action
7 within a time too short to allow full compliance with this Program. Emergency
8 construction does not include development of new permanent protective
9 structures where none previously existed. Where new protective structures are
10 deemed by the Administrator to be the appropriate means to address the
11 emergency situation, upon abatement of the emergency situation the new structure
12 shall be removed or any permit that would have been required, absent an
13 emergency, pursuant to RCW 90.58, WAC 173-27 or this Program, shall be
14 obtained. All emergency construction shall be consistent with the policies of
15 RCW 90.58 and this Program. As a general matter, flooding or other seasonal
16 events that can be anticipated and may occur but that are not imminent are not an
17 emergency.
- 18 5. Agriculture - Construction and practices normal or necessary for farming,
19 irrigation, and ranching activities, including agricultural service roads and
20 utilities, construction of a barn or similar agricultural structure, and the
21 construction and maintenance of irrigation structures including, but not limited to,
22 head gates, pumping facilities, and irrigation channels. A feedlot of any size, all
23 processing plants, other activities of a commercial nature, or alteration of the
24 contour of the shorelands by leveling or filling other than that which results from
25 normal cultivation, shall not be considered normal or necessary farming or
26 ranching activities. A feedlot shall be an enclosure or facility used or capable of
27 being used for feeding livestock hay, grain, silage, or other livestock feed, but
28 shall not include land for growing crops or vegetation for livestock feeding and/or
29 grazing, nor shall it include normal livestock wintering operations.
- 30 6. Drainage - Operation and maintenance of any system of dikes, ditches, drains, or
31 other facilities existing on June 4, 1975 that were created, developed or utilized,
32 primarily as a part of an agricultural drainage or diking system.
- 33 7. Navigation Aids - Construction or modification, by or under the authority of the
34 Coast Guard or a designated port management authority, of navigational aids such
35 as channel markers and anchor buoys.
- 36 8. Single-Family Residences - Construction on shorelands by an owner, lessee, or
37 contract purchaser of a single-family residence for their own use or for the use of
38 their family, which residence does not exceed a height of thirty-five (35) feet
39 above average grade level and that meets all requirements of the state agency or
40 local government having jurisdiction thereof. Single-family residence means a
41 detached dwelling designed for and occupied by one (1) family including those

1 structures and developments within a contiguous ownership which are a normal
2 appurtenance as defined in Article 2.

- 3 9. Residential Docks - Construction of an individual/single-user or shared dock for
4 private non-commercial pleasure craft, for use by the owner, lessee, or contract
5 purchaser of a single-family or multi-family residences. The private dock
6 exemption applies if either:
- 7 i. In saltwater, the fair market value of the dock does not exceed two
8 thousand-five hundred dollars (\$2,500). For the purpose of this section
9 saltwater shall include the tidally influenced marine and estuarine water
10 areas of the state including local marine waters and all associated bays,
11 inlets and estuaries;
 - 12 ii. In fresh waters the fair market value of the dock does not exceed ten
13 thousand dollars (\$10,000), but if subsequent construction having a fair
14 market value exceeding two thousand-five hundred dollars (\$2,500) occurs
15 within five (5) years of the completion of the prior construction, the
16 subsequent construction shall be considered a substantial development for
17 the purpose of this Program.
- 18 10. Irrigation - Operation, maintenance, or construction of canals, waterways, drains,
19 reservoirs, or other facilities that now exist or are hereafter created or developed
20 as a part of an irrigation system for the primary purpose of making use of system
21 waters including return flow and artificially stored ground water for the irrigation
22 of lands, provided that this exemption shall not apply to construction of new
23 irrigation facilities proposed after December 17, 2003.
- 24 11. State Property - The marking of property lines or corners on state owned lands,
25 when such marking does not significantly interfere with normal public use of the
26 surface of the water.
- 27 12. Energy Facilities - Any project with a certification from the governor pursuant to
28 RCW 80.50.
- 29 13. Site Exploration - Site exploration and investigation activities that are prerequisite
30 to preparation of a development application for authorization under this Program,
31 if:
- 32 i. The activity does not interfere with the normal public use of surface waters;
 - 33 ii. The activity will have no significant adverse impact on the environment
34 including but not limited to fish, wildlife, fish or wildlife habitat, water
35 quality and aesthetic values;
 - 36 iii. The activity does not involve the installation of any structure and, upon
37 completion of the activity, the vegetation and land configuration of the site
38 are restored to conditions existing before the activity;
 - 39 iv. A private entity seeking development authorization under this section first
40 posts a performance bond or provides other evidence of financial

- responsibility to the Administrator to ensure that the site is restored to preexisting conditions; and
- v. The activity is not subject to the permit requirements of RCW 90.58.550.
14. Noxious Weeds - The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under RCW 43.21C.
15. Watershed Restoration - Watershed restoration projects as defined herein and by RCW 89.08.460. The Administrator shall review the projects for consistency with the Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving a complete application form from the applicant/proponent. No fee may be charged for accepting and processing applications for watershed restoration projects as defined in this section.
16. “Watershed restoration project” means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or part of the plan and consists of one or more of the following activities:
- i. A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
 - ii. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control erosive forces of flowing water; or
 - iii. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structures, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark.
17. “Watershed restoration plan” means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, recreation, or enhancement of the natural resource character and ecology of a stream, stream segment, drainage area or watershed for which agency and public review has been conducted pursuant to RCW 43.21C, the State Environmental Policy Act.

- 1 18. A public or private project, the primary purpose of which is to improve fish or
2 wildlife habitat or fish passage, when all of the following apply:
- 3 i. The project has been approved in writing by the Department of Fish and
4 Wildlife as necessary for the improvement of the habitat or passage and
5 appropriately designed and sited to accomplish the intended purpose;
6 ii. The project received Hydraulic Project Approval by the Department of Fish
7 and Wildlife pursuant to RCW 75.20; and
8 iii. The Administrator has determined that the project is consistent with this
9 Program. The Administrator shall make such determination in a timely
10 manner and provide it by letter to the project proponent.

11 **4. Statements of Exemption**

- 12 A. The Administrator is hereby authorized to grant or deny requests for statements of
13 exemption from the shoreline substantial development permit requirement for uses and
14 developments within shorelines that are specifically listed above. Such statements shall
15 be applied for on forms provided by the Administrator. The statement shall be in
16 writing and shall indicate the specific exemption of this Program that is being applied
17 to the development, and shall provide a summary of the Administrator's analysis of the
18 consistency of the project with this Program and the Act. As appropriate, such
19 statements of exemptions shall contain conditions and/or mitigating measures of
20 approval to achieve consistency and compliance with the provisions of the Program and
21 Act. A denial of an exemption shall be in writing and shall identify the reason(s) for
22 the denial. The Administrator's actions on the issuance of a statement of exemption or
23 a denial are subject to appeal pursuant to the appeal provisions in Article 10.
- 24 B. Exempt activities related to any of the following shall not be conducted until a
25 statement of exemption has been obtained from the Administrator: dredging, flood
26 control works and instream structures, archaeological or historic site alteration, clearing
27 and ground disturbing activities such as landfill or excavation, dock construction, shore
28 stabilization, free-standing signs, or any development within a Priority Aquatic,
29 Aquatic or Natural shoreline designation; provided that no separate written statement of
30 exemption is required for the construction of a single-family residence when a County
31 building permit application has been reviewed and approved by the Administrator;
32 provided further, that no statement of exemption is required for emergency
33 development pursuant to WAC 173-14-040(1)(d).
- 34 C. No statement of exemption shall be required for other exempt uses or developments
35 unless the Administrator has cause to believe a substantial question exists as to
36 qualifications of the specific use or development for the exemption, or the
37 Administrator determines there is a likelihood of adverse impacts to shoreline
38 ecological functions.

D. Whenever the exempt activity also requires a U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972, a copy of the written statement of exemption shall be sent to the applicant/proponent and Ecology pursuant to WAC 173-27-050.

5. Variance Permit Criteria

A. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant/proponent or thwart the policies set forth in RCW 90.58.020. Use restrictions may not be varied.

B. Variances will be granted in any circumstance where denial would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

C. Proposals that qualify as a Reasonable Economic Use Variance pursuant to JCC Chapter 18.15.220 shall require a shoreline variance.

D. Variances may be authorized, provided the applicant/proponent can demonstrate all of the following:

1. That the strict application of the bulk or dimensional criteria set forth in this Program precludes or significantly interferes with a reasonable permitted use of the property;
 2. That the hardship described above is specifically related to the property, and is the result of conditions such as irregular lot shape, size, or natural features and the application of this Program, and not, for example, from deed restrictions or the applicant's/proponent's own actions;
 3. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects on adjacent properties or the shoreline environment;
 4. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief;
 5. That the public interest will suffer no substantial detrimental effect;
 6. That the public rights of navigation and use of the shorelines will not be materially interfered with by the granting of the variance; and
 7. Mitigation is provided to offset unavoidable adverse impacts caused by the proposed development or use.
-

- 1 E. In the granting of all variances, consideration shall be given to the cumulative
2 environmental impact of additional requests for like actions in the area. For example, if
3 variances were granted to other developments in the area where similar circumstances
4 exist, the total of the variances should also remain consistent with the policies of RCW
5 90.58.020 and should not produce significant adverse effects to the shoreline ecological
6 functions and processes or other users.
- 7 F. Other factors that may be considered in the review of variance requests include the
8 conservation of valuable natural resources and the protection of views from nearby
9 roads, surrounding properties and public areas. In addition, variance requests based on
10 the applicant's/proponent's desire to enhance the view from the subject development
11 may be granted where there are no likely detrimental effects to existing or future users,
12 other features or shoreline ecological functions and/or processes, and where reasonable
13 alternatives of equal or greater consistency with this Program are not available. In
14 platted residential areas, variances shall not be granted that allow a greater height or
15 lesser shore setback than what is typical for the immediate block or area.
- 16 G. Permits and/or variances applied for or approved under other County codes shall not be
17 construed as shoreline permits under this Program.

18 **6. Conditional Use Permit Criteria**

- 19 A. The purpose of a conditional use permit is to allow greater flexibility in administering
20 the use regulations of this Program in a manner consistent with the policies of RCW
21 90.58.020. In authorizing a conditional use, special conditions may be attached to the
22 permit by the County or the Department of Ecology to control any undesirable effects
23 of the proposed use.
- 24 B. Uses specifically classified or set forth in this Program as conditional uses and unlisted
25 uses may be authorized provided the applicant/proponent can demonstrate all of the
26 following:
- 27 1. That the proposed use will be consistent with the policies of RCW
28 90.58.020 and this Program.
 - 29 2. That the proposed use will not interfere with normal public use of public
30 shorelines.
 - 31 3. That the proposed use of the site and design of the project will be
32 compatible with other permitted uses within the area.
 - 33 4. That the proposed use will not cause adverse effects to the shoreline
34 environment in which it is to be located.
 - 35 5. That the public interest suffers no substantial detrimental effect.
- 36 C. In the granting of all conditional use permits, consideration shall be given to the
37 cumulative environmental impact of additional requests for like actions in the area. For

1 example, if conditional use permits were granted for other developments in the area
2 where similar circumstances exist, the sum of the conditional uses and their impacts
3 should also remain consistent with the policies of RCW 90.58.020 and should not
4 produce a significant adverse effect to the shoreline ecological functions and processes
5 or other users.

- 6 D. Permits and/or variances applied for or approved under County zoning or subdivision
7 code requirements shall not be construed as shoreline variances under this Program.

8 **7. Unclassified Uses**

- 9 A. Other uses not specifically classified or set forth in this Program, including the
10 expansion or resumption of a non-conforming use, may be authorized as conditional
11 uses provided the applicant/proponent can demonstrate that the proposal will satisfy the
12 criteria set forth above, and that the use clearly requires a specific site location on the
13 shoreline not provided for under the Program, and extraordinary circumstances
14 preclude reasonable use of the property in a manner consistent with the use regulations
15 of this Program.

ARTICLE 10 – ADMINISTRATION AND ENFORCEMENT

1. Administrative Authority and Responsibility

A. Administrator

1. The Director of the Jefferson County Department of Community Development or his/her designee (the Administrator) is vested with authority and responsibility to:
 - i. Administer this Master Program;
 - ii. Recommend to the Hearing Examiner approval, approval with conditions, or denial of any permit applications or revisions in accordance with the policies and regulations of this Master Program and the provisions of the Jefferson County Unified Development Code;
 - iii. Grant written permit exemptions from shoreline Substantial Development Permit requirements of this Master Program;
 - iv. Determine compliance with the State Environmental Policy Act (Chapter 43.21C RCW; Chapter 197-11 WAC);
 - v. Specify the required application forms and submittal requirements including the type, details and number of copies;
 - vi. Advise interested citizens and project proponents of the goals, policies, regulations and procedures of this Master Program;
 - vii. Make administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act;
 - viii. Collect applicable fees;
 - ix. Determine that application submittals are substantially complete;
 - x. Make field inspections as necessary;
 - xi. Submit substantial development permit, variance permit and conditional use permit applications and make written recommendations and findings on such permits to the Hearing Examiner for his/her consideration and final action;
 - xii. Assure that proper notice is given to appropriate persons and the public for all hearings;
 - xiii. Provide technical and administrative assistance to the Hearing Examiner as required for effective and equitable implementation of this Master Program and the Act;
 - xiv. Provide a summary report of the shoreline permits issued in the past calendar year to the Hearing Examiner and the Jefferson County Board of County Commissioners;
 - xv. Investigate, develop and propose amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies;

- xvi. Seek remedies for alleged violations of this Master Program, the provisions of the Act, or of conditions of any approved shoreline permit issued by the County;
- xvii. Coordinate information with affected agencies; and
- xviii. Forward any decision on any permit application to the Washington State Department of Ecology for filing or action.

B. Hearing Examiner

1. The Hearing Examiner is vested with the authority and responsibility to:
 - i. Approve, condition, or deny shoreline substantial development permits, variance permits and conditional use permits after considering the findings and recommendations of the Administrator;
 - ii. Decide local administrative appeals of the Administrator's actions and interpretations, as provided in this Program and the County Unified Development Code;
 - iii. Consider shoreline substantial development permit, variance permit and conditional use permit applications and administrative appeals of the Administrator's actions on regular meeting days or public hearings;
 - iv. Review the findings and recommendations for permit applications or appeals of the Administrator's actions and interpretations;
 - v. Approve, approve with conditions, or deny substantial development permits, variance permits and conditional use permits;
 - vi. Conduct public hearings on appeals of the Administrator's actions, interpretations and decisions;
 - vii. Base all decisions on shoreline permits or administrative appeals on the criteria established in this Master Program; and
 - viii. At his or her sole discretion, require any project proponent granted a shoreline permit to post a bond or other acceptable security with the County, conditioned to assure that the project proponent and/or his or her successors adhere to the approved plans and all conditions attached to the shoreline permit. Such bonds or securities shall have a face value of at least one hundred and fifty (150) percent of the estimated development cost including attached conditions.

C. Board of Commissioners

1. The Jefferson County Board of County Commissioners (the BOCC) is vested with the authority to approve any revisions or amendments to this Master Program in accordance with the applicable requirements of the Act and the Washington Administrative Code.
2. The BOCC shall review and act upon any recommendations of the Shoreline Administrator for amendments to, or revisions of, this Master Program. The BOCC shall enter findings and conclusions setting forth the factors it considered in reaching its decision. To become effective any amendment to this Master

1 Program must be reviewed and adopted by the Department of Ecology pursuant
2 to RCW 90.58.190 and Chapter 173-26 WAC.

3 **2. Permit Application Review**

- 4 A. Determinations of the Administrator regarding the geographic applicability of this
5 Master Program, permit exemptions and application submittal requirements shall be
6 processed as Type I decisions pursuant to the JCC Chapter 18.40.
- 7 B. Applications for substantial development permits and variance permits shall be
8 processed as Type III decisions pursuant to the JCC Chapter 18.40.
- 9 C. Applications for uses/development listed as an administrative conditional use permit
10 (i.e., "C(a)") in Table 1 in Article 4 shall be processed according to the procedures for
11 Type II land use decisions established in Article IV of JCC Chapter 18.40.
- 12 D. Applications for uses/developments listed as discretionary conditional use permits
13 (i.e., "C(d)") in Table 1 in Article 4 shall, at a minimum, be processed according to
14 the procedures for Type II land use decisions established in Article IV of JCC
15 Chapter 18.40. However, in accordance with JCC Chapter 18.40, the Administrator
16 may on a case-by-case basis refer a discretionary conditional use permit application to
17 the hearing examiner to be processed according to the procedures for Type III land
18 use decisions established in Article IV of JCC Chapter 18.40.
- 19 E. All amendments to this Master Program shall be processed as Type V decisions
20 pursuant to the JCC Chapter 18.40.
- 21 F. Whenever the Administrator issues a determination or recommendation and/or
22 conditions of approval on a proposal which will result in the denial or substantial
23 alteration of a proposed action, such determinations will be provided in writing
24 stating the relationship(s) between the ecological factors, the proposed action and the
25 condition(s).

26 **3. Minimum Permit Application Requirements**

- 27 A. A complete application for a substantial development, conditional use, or variance
28 permit shall contain, as a minimum, all of the information required in any applicable
29 section of this Program, all of the information required in JCC Chapter 18.40.100,
30 and any other information the Administrator deems pertinent, including at a
31 minimum:
- 32 1. The name, address and phone number of the applicant/proponent, applicant's
33 representative, and/or property owner if different from the applicant/proponent.
 - 34 2. The property address and identification of the section, township and range to the
35 nearest quarter, quarter section or longitude and latitude to the nearest minute.
 - 36 3. The name of the shoreline (water body) that the site of the proposal is associated
37 with.

- 1 4. A general description of the property as it exists at the time of application
2 including its use, physical and ecological characteristics, improvements and
3 structures.
- 4 5. A general description of the project vicinity including adjacent uses, structures
5 and improvements, development intensity, and physical characteristics.
- 6 6. A vicinity map showing the relationship of the property and proposed
7 development or use to roads, utilities, existing developments and uses on
8 adjacent properties.
- 9 7. A site plan and/or engineered drawings identifying existing conditions
10 consisting of photographs, text, maps and elevation drawings, drawn to an
11 appropriate scale to clearly depict all required information.
- 12 8. Location of the ordinary high water mark of all water bodies within or adjacent
13 to the project boundary. For any development that requires a precise location of
14 the ordinary high water mark, the applicant/proponent shall provide a survey
15 and describe the biological and hydrological basis for the location as indicated
16 on the plans. Where the ordinary high water mark is neither adjacent to or
17 within the boundary of the project, the plan shall indicate the distance and
18 direction to the ordinary high water mark of the adjacent shoreline.
- 19 9. Existing land contours at intervals sufficient to accurately determine the existing
20 character of the property. Areas within the project boundary that will not be
21 altered by the development may be indicated as such and contours approximated
22 for that area.
- 23 10. Critical areas as designated in JCC Chapter 18.22.
- 24 11. A general description of the character of vegetation found on the site.
- 25 12. A description of the existing ecological functions and processes affecting,
26 maintaining, or influencing the shoreline at/near the project site.
- 27 13. The dimensions and locations of all existing structures and improvements.
- 28 14. The dimensions and locations of all proposed structures and improvements
29 including but not limited to buildings, paved or graveled areas, roads, utilities,
30 septic tanks and drain fields, material stockpiles or surcharge, and stormwater
31 management facilities.
- 32 15. Proposed land contours overlain on existing contours. The contours shall be at
33 intervals sufficient to accurately determine the extent of proposed change to the
34 land that is necessary for the development. Areas within the project boundary
35 that will not be altered by the development may be indicated as such and
36 contours approximated for that area.
- 37 16. A summary characterization of the effects of the project on existing ecological
38 functions and processes in the vicinity of the project. If the project is likely to
39 have adverse effects on shoreline ecological functions or processes, a mitigation

plan shall be provided demonstrating measures that will be taken to offset impacts.

17. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and use.

18. The Administrator may vary or waive the requirements in 1 above on a case-by-case basis according to administrative application requirements.

19. Where other approvals or permits are required for a use or development that does not require an open record hearing, such approvals or permits shall not be granted until a shoreline approval or permit is granted. All shoreline approvals and permits shall include written findings prepared by the Administrator documenting compliance with bulk and dimensional standards and other policies and regulations of this Program.

4. Pre-application Conferences

A. In accordance with JCC Chapter 18.40.090(2), pre-application conferences are required for:

1. All Type II and Type III project applications;
2. Type I project applications proposing impervious surfaces of 10,000 square feet or more and/or non-single-family structures of 5,000 square feet or more.
3. All projects involving in-water work or work below the ordinary high-water mark.

B. Pre-application conferences for all types of applications not listed in A above are strongly encouraged, and requests for conferences will be considered by the Administrator on a time-available basis.

5. Notice of Application and Permit Application Review

A. Public notice requirements shall occur in accordance with JCC Chapter 18.40, Article III and the following:

1. Type I permits (Statements of Exemption) shall not require notice of application or open record hearing consistent with JCC Chapter 18.40.040. However, if a Type I permit is not categorically exempt under SEPA, then a notice may be required.
2. The Administrator shall issue a notice of application on all Type III project permit applications in accordance with JCC Chapter 18.40, Article III.

- 1 B. Permit application review shall occur in accordance with JCC Chapter 18.40, Article
2 IV.

3 **6. Non-conforming Development**

- 4 A. The following provisions shall apply to lawfully established uses, buildings and/or
5 structures that do not meet the specific standards of this Program.

- 6 1. The lawfully established use of any building, structure, land or premises
7 existing on the effective date of initial adoption of the Program (August 27,
8 1976), or any subsequent amendment thereto or authorized under a permit or
9 approval issued, or otherwise vested, prior to August 27, 1976 or any
10 subsequent amendment thereafter, shall be considered nonconforming and may
11 be continued, subject to the provisions of this section; provided that, bulkheads
12 shall conform to the provisions in Article 7.
- 13 2. An existing use designated as a conditional use that existed prior to the adoption
14 of this Program or the adoption of an applicable amendment hereto and which
15 has not obtained a conditional use permit shall be considered a non-conforming
16 use and may be continued.
- 17 3. A structure for which a variance has been issued shall be considered a legal non-
18 conforming structure and the requirements of this section shall apply.
- 19 4. If a non-conforming development sustains major structural damage, it may be
20 reconstructed upon its original site and to the configuration existing
21 immediately prior to the damage provided:
- 22 a. The rebuilt structure shall be compatible with other permitted structures in
23 the area and will not cause adverse effects to adjacent properties or to the
24 shoreline environment; and.
- 25 b. The site is geologically stable; and
- 26 c. Except for extenuating circumstances such as resolution of an estate, or
27 widespread economic or natural disaster, the applications for permits
28 necessary to restore the development are begun within six (6) months of
29 the damage; and
- 30 d. The reconstruction is completed within two (2) years of the issuance of
31 permits.

- 32 B. Replacement of any non-conforming structures or buildings or portions thereof within
33 the Aquatic or Priority Aquatic shoreline area shall comply with Program
34 requirements for materials that come in contact with the water pursuant to Article 6.

- 35 C. Non-conforming structures, other than non-conforming single-family residences that
36 are expanded or enlarged, must obtain a variance or be brought into conformance
37 with this Program and the Act. Any non-conforming development that is moved any
38 distance must be moved to comply with the bulk and dimensions requirements of this
39 Program.

- 1 D. The Administrator shall allow enlargement or expansion of single family residences
2 by the addition of space to the exterior of the main structure or appurtenances only
3 when:
- 4 1. Those enlargements or expansions are located landward of the ordinary high
5 water mark (not water ward of or lateral to the ordinary high water mark) and;
6 2. The increase/expansion in total footprint area does not threaten critical areas; and
7 3. The increase in height does not significantly impair the publics view of the
8 shoreline.
- 9 E. The Administrator shall require a conditional use permit for any of the following:
- 10 1. Enlargement or expansion of single family residences by the addition of space
11 to the exterior of the main structure or normal appurtenances in excess of those
12 allowances provided in 10.6.F.
- 13 2. Enlargement or expansion of single family residences where the addition of
14 space to the exterior of the main structure is likely to adversely affect critical
15 areas, or is likely to obstruct the view.
- 16 3. A structure that is being or has been used for a non-conforming use may be used
17 for a different non-conforming use only upon the approval of a conditional use
18 permit.
- 19 F. If a non-conforming use is discontinued for twelve (12) consecutive months or for
20 twelve (12) months during any two (2) year period, the non-conforming rights shall
21 expire and any subsequent use shall be conforming.

22 **7. State Environmental Policy Act (SEPA) Compliance**

- 23 A. Whenever an application for shoreline substantial development permit, shoreline
24 variance, shoreline conditional use permit, or statement of exemption is subject to the
25 rules and regulations of SEPA (RCW 43.21C), the review requirements of SEPA,
26 including time limitations, shall apply, where applicable.
- 27 B. Applications for shoreline permit(s) or approval(s) that are not categorically exempt
28 shall be subject to environmental review by the responsible official of Jefferson
29 County pursuant to the State Environmental Policy Act (WAC 197-11).
- 30 C. As part of SEPA review, the responsible official may require additional information
31 regarding the proposed development in accordance with WAC 197-11.
- 32 D. Failure of the applicant/proponent to submit sufficient information for a threshold
33 determination to be made shall be grounds for the responsible official to determine
34 the application incomplete.

1

2 **8. Burden of Proof**

- 3 A. Permit applicants/proponents have the burden of proving that the proposed
4 development is consistent with the criteria set forth in the Act and this Program.

5 **9. Permit Conditions**

- 6 A. In granting, revising, or extending a shoreline permit, the Administrator may attach
7 such conditions, modifications, or restrictions thereto regarding the location,
8 character, and other features of the proposed development deemed necessary to assure
9 that the development will be consistent with the policy and provisions of the Act and
10 this Program as well as the supplemental authority provided in RCW 43.21C as
11 applicable. In cases involving unusual circumstances or uncertain effects, a condition
12 may be imposed to require monitoring with future review or reevaluation to assure
13 conformance with the Act and this Program.

14 **10. Public Hearings**

- 15 A. Public hearings shall occur in accordance with JCC Chapter 18.40.230 and Chapter
16 18.40.300.
- 17 B. Public hearing requirements for permit appeals shall be processed according to JCC
18 Chapter 18.40.330, provided that appeals of a determination regarding a statement of
19 exemption, shall occur in accordance with JCC Chapter 18.40.390. The fee for such
20 appeal shall be as set forth in the Jefferson County fee ordinance and must be paid by
21 the appellant at the time of filing the appeal.

22 **11. Expiration of Permits and Permit Exemptions**

- 23 A. The following time requirements shall apply to all permit exemptions, substantial
24 development permits and to any development authorized pursuant to a variance
25 permit or conditional use permit:
- 26 1. Construction shall be commenced or, where no construction is involved, the use
27 or activity shall be commenced within two (2) years of the effective date of the
28 permit or permit exemption, provided that the Administrator may authorize a
29 single extension based on reasonable factors, if a request for extension has been
30 filed before the expiration date and notice of the proposed extension is given to
31 parties of record and the Department of Ecology.
- 32 2. Authorization to conduct development activities shall terminate five (5) years
33 after the effective date of a permit or permit exemption; provided, that the
34 Shoreline Administrator may authorize a single extension for a period not to
35 exceed one (1) year based on reasonable factors, if a request for extension has
36 been filed before the expiration date and notice of the proposed extension is
37 given to parties of record and the Department of Ecology.

1 **12. Permits and Permit Exemptions - Effective Date**

- 2 A. The effective date of a shoreline permit or permit exemption shall be the date of the
3 last action required on the shoreline permit or permit exemption and all other
4 government permits and approvals that authorize the development to proceed,
5 including all administrative and legal actions on any such permit or approval.
- 6 B. It is the responsibility of the project proponent to inform the Administrator of the
7 permit applications filed with agencies other than Jefferson County and of any related
8 administrative and legal actions on any permit or approval. If no notice of the permits
9 or approvals is given to the Administrator prior to the date established by the
10 shoreline permit, permit exemption, or the provisions of this section, the expiration of
11 a permit shall be based on the shoreline permit or permit exemption.

12 **13. Satisfaction of Conditions Required Prior to Occupancy or Use**

- 13 A. When permit or permit exemption approval is based on conditions, such conditions
14 shall be satisfied prior to occupancy or use of a structure or prior to commencement
15 of a nonstructural activity; provided that an alternative compliance limit may be
16 specified in the permit or permit exemption.

17 **14. Revisions Following Expiration of Original Permit or Permit Exemption**

- 18 A. Revisions to permits and permit exemptions may be authorized after original permit
19 or permit exemption authorization has expired; provided that this procedure shall not
20 be used to extend the original permit or permit exemption time requirements or to
21 authorize substantial development after the time limits of the original permit or permit
22 exemption.

23 **15. Extensions - Notice to Ecology**

- 24 A. The Shoreline Administrator shall notify the Department of Ecology in writing of any
25 change to the effective date of a substantial development permit, variance permit or
26 conditional use permit as authorized by this section, with an explanation of the basis
27 for approval of the change. Any change to the time limits of a permit or permit
28 exemption other than those authorized by this section shall require a new permit
29 application.

30 **16. Notice of Decision, Reconsideration and Appeal**

- 31 A. A notice of decision for action on a shoreline substantial development permit,
32 shoreline variance, or shoreline conditional use permit shall be provided to the
33 applicant/proponent and any party of record in accordance with the procedures of
34 JCC Chapter 320 and at least ten (10) days prior to filing such decisions with the
35 Department of Ecology pursuant to WAC 173-27-130. Decisions filed with the
36 Department of Ecology shall contain the following information:
- 37 1. A copy of the complete application;
-

2. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable Master Program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s);
 3. The final decision of the local government;
 4. Where applicable, local government shall also file the applicable documents required by SEPA, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under RCW Chapter 43.21C; and
 5. When the project has been modified in the course of the local review process, plans or text shall be provided that clearly indicate the final approved plan.
- B. A notice of decision for shoreline statements of exemption shall be provided to the applicant/proponent and any party of record. Such notices shall also be filed with the Department of Ecology, pursuant to the requirements of WAC 173-27-050 when the project is subject to one or more of the following federal permitting requirements:
1. A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of Section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters; specific applicability information should be obtained from the Corps of Engineers), or
 2. A Section 404 permit under the Federal Water Pollution Control Act of 1972 (the provisions of Section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area; specific applicability information should be obtained from the Corps of Engineers).
- C. This Program shall only establish standing for parties of record for shoreline substantial development permits, shoreline variances, or shoreline conditional use permits. Standing as a party of record is not established by this Program for exempt actions; provided that, in such cases standing may be established through an associated permit process that provides for public notice and provisions for parties of record.
- D. The applicant/proponent or any party of record may request reconsideration of any final action by the decision maker within ten (10) days of notice of the decision. Such requests shall be filed on forms supplied by the County. Grounds for reconsideration must be based upon the content of the written decision. The decision maker is not required to provide a written response or modify his/her original decision. He/she may initiate such action as he/she deems appropriate. The procedure of reconsideration shall not preempt or extend the appeal period for a permit or affect the date of filing with the Department of Ecology, unless the applicant/proponent requests the abeyance of said permit appeal period.
- E. Appeals to the Shoreline Hearings Board of a decision on a shoreline substantial development permit, shoreline variance or shoreline conditional use permit may be

1 filed by the applicant/proponent or any aggrieved party pursuant to RCW 90.58.180
2 within twenty-one (21) days of filing the final decision by Jefferson County with the
3 Department of Ecology.

4 F. Jefferson County shall consider an appeal of a decision on a shoreline substantial
5 development permit, shoreline variance or shoreline conditional use only when the
6 applicant/proponent waives his/her right to a single appeal to the Shoreline Hearings
7 Board. Such waivers shall be filed with the County in writing concurrent with a
8 notice of appeal within ten (10) days of a final action. When an applicant/proponent
9 has waived his/her right to a single appeal, such appeals shall be processed in
10 accordance with the appeal procedures of JCC Chapter 18.40 Article V and shall be
11 an open record hearing before the Hearing Examiner.

12 1. Permit appeals shall be processed according to JCC Chapter 18.40.330,
13 provided that appeals of a determination regarding a statement of exemption
14 shall occur in accordance with JCC Chapter 18.40.390. The fee for such appeal
15 shall be as set forth in the Jefferson County fee ordinance and must be paid by
16 the appellant at the time of filing the appeal.

17 2. In accordance with RCW 90.58.185, in the case of an appeal involving a single-
18 family residence or appurtenance to a single-family residence, including a dock
19 or pier designed to serve a single-family residence, or of appeals involving a
20 penalty of fifteen thousand dollars (\$15,000) or less, the request for review may
21 be heard by a panel of three Shoreline Hearings Board members, at least one
22 and not more than two of whom shall be members of the Pollution Control
23 Hearings Board. Two members of the three must agree to issue a final decision
24 of the board.

25 3. The Shoreline Hearings Board shall define by rule alternative processes to
26 expedite appeals, including those involving a single-family residence or
27 appurtenance to a single-family residence, including a dock or pier designed to
28 serve a single-family residence, or involving a penalty of fifteen thousand
29 dollars (\$15,000) or less. These alternatives may include: Mediation, upon
30 agreement of all parties; submission of testimony by affidavit; or other forms
31 that may lead to less formal and faster resolution of appeals.

32 **17. Initiation of Development**

33 A. Development pursuant to a shoreline substantial development permit, shoreline
34 variance, or conditional use shall not begin and shall not be authorized until twenty-
35 one (21) days after the "date of filing" or until all review proceedings before the
36 Shoreline Hearings Board have terminated.

37 B. Date of filing: "Date of filing" of a substantial development permit is the date of
38 actual receipt of the decision by the Department of Ecology. The "date of filing" for a
39 shoreline variance or shoreline conditional use permit shall mean the date the permit
40 decision rendered by the Department of Ecology is transmitted by the Department of
41 Ecology to the County and the applicant/proponent.

18. Permit Revisions

- A. A permit revision is required whenever the applicant/proponent proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this Program or the Act. Changes that are not substantive in effect do not require a permit revision.
- B. An application for a revision to a shoreline permit shall be submitted to the Administrator. The application shall include detailed plans and text describing the proposed changes. The County decision maker that approved the original permit may approve the request upon a finding that the proposed changes are within the scope and intent of the original permit, and are consistent with this Program and the Act.
- C. “Within the scope and intent of the original permit” means all of the following:
 - 1. No additional overwater construction is involved except that a pier, dock or floating structure may be increased by ten percent (10%) over that approved under the original permit;
 - 2. Ground area coverage and/or height may be increased a maximum of ten percent (10%) over that approved under the original permit provided that the revised permit does not authorize development to exceed the height, lot coverage, setback or any other requirements of this Program except as authorized under a variance granted for the original development;
 - 3. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this Program;
 - 4. The use authorized pursuant to the original permit is not changed; and
 - 5. The revision will not cause adverse environmental impacts beyond those originally authorized in the permit.
- D. Revisions to shoreline permits may be authorized after the original permit authorization has expired. Revisions made after the expiration of the original permit shall be limited to changes that are consistent with this Program and that would not require a permit under this Program. If the proposed change is a substantial development as defined by this Program, then a new permit is required. The provisions of this paragraph shall not be used to extend the time requirements or to authorize substantial development beyond the time limits or scope of the original permit.
- E. A new permit shall be required if the proposed revision and any previously approved revisions in combination would constitute development beyond the scope and intent of the original permit.
- F. Upon approval of a permit revision, the decision maker shall file with the Department of Ecology a copy of the revised site plan and a detailed description of the authorized changes to the original permit together with a final ruling and findings supporting the

1 decision based on the requirements of this section. In addition, the decision maker
2 shall notify parties of record of the action.

- 3 1. If the proposed revision is to a development for which a shoreline conditional
4 use or variance was issued, the decision maker shall submit the revision to the
5 Department of Ecology for approval with conditions or denial, and shall
6 indicate that the revision is being submitted under the requirements of this
7 paragraph. Under the requirements of WAC 173-27-110(6), the Department of
8 Ecology shall render and transmit to the decision maker and the
9 applicant/proponent its final decision within fifteen (15) days of the date of the
10 Department of Ecology's receipt of the submittal from the decision maker. The
11 decision maker shall notify parties on record of the Department of Ecology's
12 final decision. Appeals of a decision of the Department of Ecology shall be
13 filed in accordance with the provisions of WAC 173-27-110(8).

15 **19. Rescission and Modification**

- 16 A. Any shoreline permit granted pursuant to this Program may be rescinded or modified
17 upon a finding by the Hearing Examiner that the permittee or his/her successors in
18 interest have not complied with conditions attached thereto. A specific monitoring
19 plan may be required as a condition of a permit with specific reporting requirements.
20 If the monitoring plan is not implemented, the permittee may be found to be non-
21 compliant. The results of a monitoring plan may show a development to be out of
22 compliance with specific performance standards, which may be the basis for findings
23 of non-compliance.
- 24 B. The Administrator shall initiate rescission or modification proceedings by serving
25 written notice of non-compliance to the permittee or his/her successors and notifying
26 parties of record at the original address provided in application review files.
- 27 C. The Hearing Examiner shall hold a public hearing no sooner than fifteen (15) days
28 following such service of notice, unless the applicant/proponent files notice of intent
29 to comply and the Administrator grants a specific schedule for compliance. If
30 compliance is not achieved, the Administrator shall schedule a public hearing before
31 the Hearing Examiner. Upon considering written and oral testimony taken at the
32 hearing, the Hearing Examiner shall make a decision in accordance with the above
33 procedure for shoreline permits.
- 34 D. These provisions do not limit the Administrator, the Prosecuting Attorney, the
35 Department of Ecology or the Attorney General from administrative, civil, injunctive,
36 declaratory or other remedies provided by law, or from abatement or other remedies.

37 **20. Violations and Penalties**

- 38 A. In addition to incurring civil liability under JCC Chapter 18.50.110 and RCW
39 90.58.210, pursuant to RCW 90.58.220 any person found to have willfully engaged in

activities on shorelines of the state in violation of the provisions of the Act or of this Program, or other regulations adopted pursuant thereto, shall be punished by:

1. A fine of not less than twenty-five dollars (\$25) or more than one thousand dollars (\$1,000);
 2. Imprisonment in the county jail for not more than ninety (90) days; or
 3. Both such fine and imprisonment; provided that, the fine for the third and all subsequent violations in any five (5) year period shall not be less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000). Provided further, that fines for violations of RCW 90.58.550, or any rule adopted thereunder, shall be determined under RCW 90.58.560.
- B. Any person who willfully violates any court order or regulatory order of injunction issued pursuant to this Program shall be subject to a fine of not more than five thousand dollars (\$5,000), imprisonment in the county jail for not more than ninety (90) days, or both.

21. Remedies

- A. The Jefferson County Prosecuting Attorney, or Administrator, where authorized, shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state located within Jefferson County in conflict with the provisions of this Program, the Act, or other regulations adopted pursuant thereto, and to otherwise enforce the provisions of this Program.
- B. Any person subject to the regulatory provisions of this Program or the Act who violates any provision thereof, or permit or permit condition issued pursuant thereto, shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its conditions prior to violation. The Jefferson County Prosecuting Attorney shall bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.
- C. A person who fails to conform to the terms of a substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order may be subject to a civil penalty. The penalty shall be imposed pursuant to the procedure set forth in WAC 173-27-280 and become due and recovered as set forth in WAC 173-27-290(3) and (4). Persons incurring a penalty may appeal the same to the Shoreline Hearings Board or the BOCC pursuant to WAC 173-27-290(1) and (2).

22. Abatement

- A. Structures or development on shorelines considered by the Administrator to present a hazard or other public nuisance to persons, properties or natural features may be abated by the County under the applicable provisions of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition or successor as adopted by Jefferson County, or by other appropriate means.

23. Third-party Review

- A. The Administrator shall determine when third-party review shall be required. Third-party review requires any technical studies or inventories provided by the project proponent to be reviewed by an independent third party, paid for by the project proponent, but hired by the Administrator. A qualified professional shall conduct third-party review. In determining the need for third-party review, the Administrator shall base his/her decision upon, but shall not be limited to, such factors as whether there has been incomplete submittal of data or apparently inadequate design work, whether the project is large scale, or whether the development site is complex.

24. Inspections

- A. Whenever it is necessary to make an inspection to enforce any of the provisions of this Master Program or whenever the Administrator has reasonable cause to believe that there exists in any building, or upon any premises, any condition that constitutes a violation of this Master Program, the Administrator may enter such building or premises. If the building or premises are occupied, the Administrator shall first present proper credentials and demand entry, and if the building or premises is unoccupied, the Administrator shall first make reasonable efforts to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry, including administrative search warrants. The Jefferson County Prosecuting Attorney shall provide assistance to the Administrator in obtaining administrative search warrants or other legal remedies.

25. Master Program Amendments

- A. Pursuant to RCW 90.58.190 and RCW 36.70A.280, a decision by the Jefferson County Board of County Commissioners to amend this Master Program shall not constitute a final appealable decision until the Department of Ecology has made a decision to approve, reject, or modify the proposed amendment. Following the decision of the Department of Ecology regarding the proposed amendment, the decision may be appealed to the Western Washington Growth Management Hearings Board.

1 **26. Fees**

- 2 A. Required fees for all shoreline substantial development permits, shoreline conditional
3 use permits, shoreline variances, statements of exemption, appeals, pre-application
4 conferences and other required approvals shall be paid to the County at the time of
5 application in accordance with the Jefferson County Unified Fee Schedule in effect at
6 that time.

7 **27. Transfer of Permits**

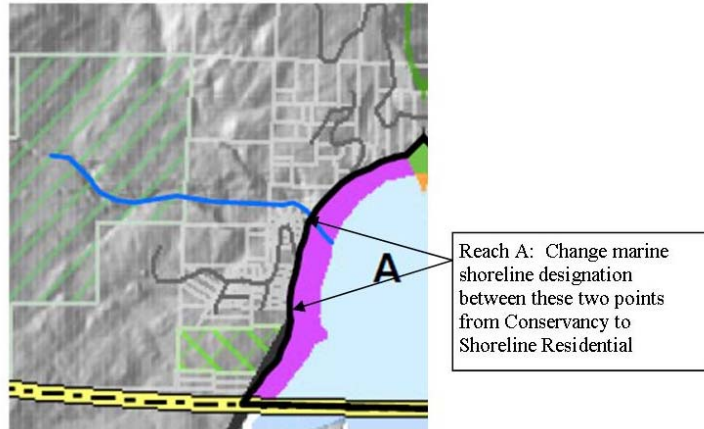
- 8 A. An approved substantial development permit, conditional use permit or variance
9 permit may be transferred from the original project proponent to any successor in
10 interest to the project proponent provided that all of the conditions and requirements
11 of the approved permit or variance shall continue in effect as long as the use or
12 activity is pursued or the structure exists unless the terms of the substantial
13 development permit, conditional use permit, or variance permit are modified in
14 accordance with the relevant provisions of this Master Program.

APPENDIX A - OFFICIAL SHORELINE MAP

(Provided under separate cover)

Proposed Changes:

1. Reach A: Change from Conservancy to Shoreline Residential designation in the area just north of Triton Cove State Park to the area just south of the unnamed creek immediately north of the park. This affects about 1/8 mile of beach.



2. Reach III: Change Natural to Shoreline Residential to expand the Shoreline Residential designation in the residential area along Woodman Road. This would encompass all residences on Woodman.

